

LEE TOWNSHIP ORDINANCE NO. 2012

“ANTI-NOISE AND PUBLIC NUISANCE ”

ORDINANCE #2012. AN ORDINANCE TO AMEND ORDINANCE #2001. AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF LEE TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, BY THE REGULATION OF NOISE WITHIN SAID TOWNSHIP AND TO PRESCRIBE THE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

**Section 1. Ordinance Title.**

This Ordinance shall be known as and may be cited as “The Township of Lee Anti-Noise and Public Nuisance Ordinance.

**Section 2. Definitions.**

The following terms used in this Ordinance are defined as follows:

- A. “Day Time Hours.” The hours between 7:00 a.m. and 10:00 p.m., local time.
- B. “Night Time Hours.” The hours between 10:00 p.m. and 7:00 a.m., local time.
- C. “Loud noise.” Sounds that can be heard at a distance greater than twenty-five (25) feet during the night time hours or greater than fifty (50) feet during the day time hours.

**Section 3. Anti Noise Regulations.**

- A. General Regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.
- B. Specific Violations. The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:
  - 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
  - 2. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably 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 residential property.
5. 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. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
6. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent 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 increase above that emitted by such vehicle as originally manufactured shall be in violation of this section.
8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, 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.
9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
10. 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.
11. 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 unreasonably disturbing to nearby residential property.

12. 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.
13. The operation of any race 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 there from would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

C. **Exceptions.** None of the prohibitions hereinbefore enumerated shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Lee Township, or the County of Allegan, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.
4. Any agricultural equipment while engaged in normal agricultural activities including but not limited to planting, cultivation, irrigation and harvesting of crops. No portion of this Ordinance shall be construed to conflict with Right to Farm activities as authorized under State of Michigan Statutes.
5. Noises occurring between 7:00 a.m. and sundown caused by construction, repairs, or demolition as long as a valid building permit has been issued by the Township and is currently in effect, and, provided, such noise is not unduly excessive.
6. Noises occurring between 7:00 a.m. and sundown caused by maintenance of grounds, provided, such noise is not unduly excessive.
7. Noises emanating from the discharge of firearms are excluded, providing the discharge of firearms was authorized under Michigan law and all local ordinances.
8. The Lee Township Board may issue a permit, within thirty (30) days of receipt of an application thereof, for a variance from this ordinance for purposes of a public or private meeting, concert, parade or other similar event. Application must be received by the Township Clerk at least forty-five (45) days prior to the event.

**Section 4. 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 5. Penalties.**

Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500 and costs of prosecution or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or by both fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance exists shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

**Section 6. Validity.**

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

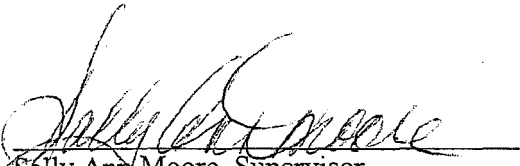
The several provisions of this Ordinance are declared to be separate; if any court of Law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

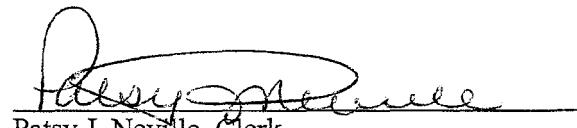
Ordinance #2012 shall become effective upon adoption.

Motion to adopt Ordinance #2012 by member Moore seconded by member Lowery at a regular meeting of the Township Board held on Monday, June 12, 2000 at 7:30 p.m.

Yes: 5  
No: 0  
Absent: 0

Adopted this 12th day of June 2000.

  
Sally Ann Moore, Supervisor  
Lee Township, Allegan County, Michigan

  
Patsy J. Neville, Clerk  
Lee Township, Allegan County, Michigan