

ORDINANCE NO. 90

AN ORDINANCE TO ORDAIN AND ADD TO THE CODE OF ORDINANCES OF FORD RIVER TOWNSHIP THE FOLLOWING ORDINANCE PROHIBITING THE MAINTENANCE OF A NOISE NUISANCE IN THE TOWNSHIP.

The Township of Ford River ordains:

CHAPTER I

§1.01 This Ordinance shall be known and cited as the Ford River Township Noise Nuisance Ordinance.

CHAPTER II

§2.01 General Regulations. No person, firm or corporation shall cause or create any unreasonable or unnecessary loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of Ford River Township.

§2.02. 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:

(a) The operating or maintaining of noise making, noise amplifying or noise producing instruments or devices in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons. Such devices shall include, but not be limited to, radios, phonographs, televisions, musical instruments and any other mechanical sound producing device.

(b) Yelling, shouting, hooting or singing between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M. in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

(c) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.

(d) The keeping of any animal, bird or fowl, which emits 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 in which such barking can be clearly heard from nearby residential property.

(e) The operation of any motor vehicle which is 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 the quiet, comfort or repose of other persons.

(f) The sounding of any horn or other device on a motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

(g) 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 o'clock A.M. and sundown on any day, excepting cases of urgent necessity in the interests of public health and safety.

(h) The use of any drum, loud speaker 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.

(i) The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles of any kind or nature in any area of the Township where the noise emanating therefrom 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 o'clock P.M. on any evening.

§2.03 Exceptions. None of the prohibitions contained in this Ordinance shall apply to the following:

(a) Any law enforcement vehicle, ambulance, fire

engine or emergency vehicle, while engaged in necessary emergency or law enforcement activities.

(b) Warning devices emanating sound for warning purposes as authorized by law.

§2.04 Misdemeanor and Penalty. A person, firm or corporation found violating the provisions of this Ordinance, shall upon conviction be punished by a fine not to exceed One Hundred (\$100.00) Dollars, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, at the discretion of the Court. Each day a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

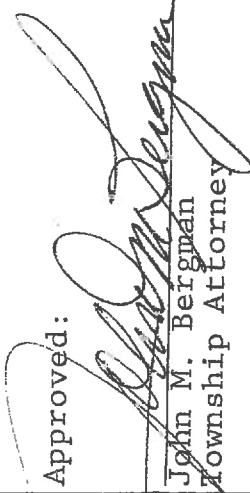
#### CHAPTER III

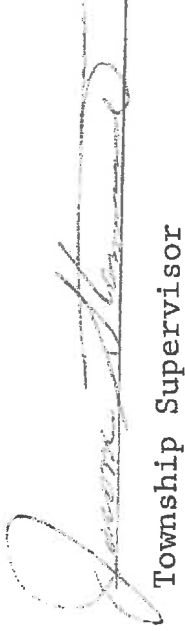
§3.01 Saving Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

#### CHAPTER IV

§4.01 Effective Date. This Ordinance shall be in full force and effect on the first day of February, 1982.

Approved:

  
John M. Bergman  
Township Attorney

  
Township Supervisor

  
Township Clerk

DATE ADOPTED: 12/09/81

DATE PUBLISHED: 12/17/81