

Date Enacted: 04/06/04

TOWNSHIP OF RAY

COUNTY OF MACOMB

ORDINANCE NO. 67

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

Title

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Ray Township, Macomb County, Michigan, by the regulation of noise, odor and production of dust within Ray Township; to prescribe the penalties for the violation thereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY, MICHIGAN ORDAINS:

Section 1. Short Title.

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

Section 2. 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 Regulation. The following noises and disturbances are hereby declared to be a violation of this ordinance; however, the specification of the same is not 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 p.m. and 7 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 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 an 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 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 the vehicle safely or as required by the Michigan Motor Vehicle Code or Uniform Traffic 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 increased 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 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, is 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 within the township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises is easily heard from nearby adjoining residential property.
 12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is unreasonably disturbing to the quiet, comfort or repose of any person.
 13. The operation of any race track or 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 and upsetting to other persons in the vicinity.
 14. The discharge of any firearm in groups of three or more, which discharge is not in compliance with Michigan statutory law and which unreasonably disturbs the quiet, comfort, or repose of any person in the vicinity.
 15. The discharge of any firearm before dawn and/or after dusk, whether such discharge of a firearm is done in a group of three or more or by an individual acting alone.
 16. The continual discharge of a firearm for target practice, the sighting in of a firearm, or activities substantially related thereto, shall not continue for a period longer than one hour from dawn to noon and again from noon to dusk for a total of two hours in any 24 hour period.
- C. Exceptions. None of the prohibitions stated herein 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, Ray Township, or the County of Macomb, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Farming operations or activity which is done in compliance with generally acceptable agricultural practices.
4. Warning devices emitting sound for warning purposes as authorized by law; i.e. car alarms, when properly attended to by the owner.

Section 3. 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 4. Penalties.

Any person, firm or corporation found violating the provisions of this ordinance, shall upon conviction, be punished by a fine of not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the court. Each day that 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 relief.

Section 5. Repeal of Conflicting Provisions.

All Ordinances or parts of Ordinances in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Severability.

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the validity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 7. Publication.

A true copy of this Ordinance or summary thereof shall be published in the Romeo Observer, a newspaper of general circulation in the Township of Ray, within 30 days after its adoption. A complete copy of the Ordinance is available for inspection by the public at the Township Clerk's office.

Section 8. Effective Date.

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary thereof as provided in Section 7.

CERTIFICATION OF TOWNSHIP CLERK

I hereby certify that the attached constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Ray Township, Macomb County, Michigan at a meeting held on the 6th day of April, 2004.

I hereby further certify that the following Township Board Members were present at the meeting:
Bohm, Hill, Harman, Engel and Zoccola

and the following Township Board Members were absent:

None.

I further certify that Member Hill moved for the adoption of the Ordinance, and that Motion was supported by Member Harman.

I further certify that the following Ray Township Board Members voted for the adoption of the Ordinance.

Bohm, Engel and Zoccola

and that the following Ray Township Board Members voted against adoption of the Ordinance: None


Daniel Hill, Clerk
Township of Ray

CERTIFICATE OF PUBLICATION

I, the undersigned Township Clerk of the Township of Ray, do hereby certify that on April 14th 2004, the foregoing Ordinance, or Summary thereof, was duly published in the Romeo Observer, a newspaper having general circulation within the Township of Ray.



Daniel Hill, Clerk
Township of Ray