

ORDINANCE NO. 31

The Township of Port Sheldon, County of Ottawa, State of Michigan, ordains:

This ordinance shall be known and cited as the Port Sheldon Township

Noise Ordinance.

Sec. 1 Noises prohibited; exceptions. Among others, each of the following acts is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive, namely: (1) Horns and signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time.

(2) Radio and musical instruments. The playing of any radio, television, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(3) Shouting and whistling. Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(4) Hawking. The hawking of goods, merchandise or newspapers in a loud and boisterous manner.

(5) Animal and bird noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.

(6) Whistle or siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

(7) Engine exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom.

(8) Construction noises. The erection (including excavating), demolition, alteration or repair of any building, or the excavation of streets and highways, other than between the hours of 7:00 a.m. and 6:00 p.m., unless a permit is first obtain from the Township.

(9) Handling merchandise. The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) Devices to attract attention. The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention.

(11) Noise or commotion in vehicles. To make a commotion or make unnecessarily loud noises in vehicles, whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed.

(12) Sound trucks. To operate or cause to be operated a sound truck with radio or amplifier within the Township, without first having obtained a permit therefor from the Township.

(13) Exceptions. None of the prohibitions herein shall apply to or be enforced against: (a) Any authorized noise caused by a municipality or person or organization to which a license has been issued to perform the specific acts from which the noise emanates.

(14) Necessary excavations or repairs of bridges, streets, or highways by or on behalf of the Township, County or State during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

(15) The reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are non-commercial in character.

Sec. 2 Radio and television interference prohibited; exceptions. (1) No person shall maintain or operate any equipment, device, appliance or apparatus in the Township which generates or causes high frequency oscillations which interfere with radio or television transmitting or reception; except that X-ray pictures, examinations or treatments and diathermy treatments may be made if the machine or apparatus therefor is equipped to avoid all unnecessary or unreasonable interference and are not negligently operated.

(2) The building inspector may investigate complaints of interference with radio and television transmitting and reception. The inspector is hereby empowered, upon presenting his evidence of authority, to have a right of access to any premises at any reasonable hour for the purpose of inspecting any equipment, device, appliance and apparatus coming within the terms of this ordinance, to determine if such equipment, device, appliance and apparatus complies with the terms of this ordinance. No person shall interfere with the inspector in making such inspection, nor refuse to allow him to enter upon the premises for such purpose.

(3) Whenever an inspection and test shall have been made by the building inspector and he shall find that such equipment, device, appliance or apparatus is being operated in violation of this ordinance, the person responsible for such operation shall be notified in writing to discontinue the use of such equipment, device, appliance or apparatus, or to make additions, repairs or modifications thereof in order that the same may be operated in a manner which complies with the provisions of this ordinance. Such notice may be given personally to said person or by registered mail, addressed to said person. In the event that said person, within 48 hours after receipt of such notice to repair or discontinue the use of said equipment, device, appliance or apparatus, shall not discontinue its use or repair the same so that it complies with this ordinance, the building inspector shall cause to be instituted such proceedings as may be required to cure such violations.

(4) The operation of any machine, mechanical device, electrical device, or thing that interferes with or causes static in the operation of the police radio system is hereby declared to be a public nuisance. The operator of such machine or device shall immediately discontinue the use thereof upon being notified of its interference with the police radio system, and shall not again place the same in operation until it has been repaired or modified so as not to interfere with the police radio system.

(5) The provisions herein contained shall not be construed as regulating any equipment, device, appliance or apparatus used in interstate commerce, where the same is licensed or regulated by or under any act of the Congress of the United States.

Sec. 3 Any person or entity that violates the provisions of this ordinance shall be guilty of a misdemeanor, subject to a fine of not to exceed \$500.00 or imprisonment for a period not to exceed 90 days.

This ordinance was adopted at a regular meeting of the Port Sheldon Township Board held on Nov. 8, 1984, to have effect upon publication.

JUDITH ELENBAAS
Clerk

ATTEST:

LLOYD BAKKER
Supervisor