

**PORT SHELDON TOWNSHIP  
ORDINANCE NO. 2017-04**

**NOISE ORDINANCE**

THE TOWNSHIP OF PORT SHELDON, OTTAWA COUNTY, MICHIGAN ORDAINS:

**Section 1. Purpose.** This Ordinance is adopted for the purpose of preserving and protecting the general public health, safety, and welfare by defining, controlling, and regulating noise disturbance and noise pollution which would intrude upon or be detrimental to the peace, tranquility, and comfort of the public. It is also the purpose of this Ordinance to provide penalties and sanctions for violations of this Ordinance as municipal civil infractions.

**Section 2. General Prohibited Acts.**

- A. A person or entity shall not create, make, continue, or assist in creating, making, or continuing any excessive, unnecessary, repeated, prolonged or unusually loud disturbance or noise which disturbs the peace within the Township.
- B. It shall be unlawful for the owner of any premises within the Township, and for any person or entity in control of any premises within the Township to allow the creation, making, or continuance of any excessive, unnecessary, repeated, prolonged, or unusually loud disturbance or noise which disturbs the peace within the Township.

**Section 3. Specific Acts Prohibited; Standards.** The following specific acts are declared to be excessive, unnecessary, or unusually loud and disturbing noise that disturbs the peace of others within the Township per se. However, these specific acts are not intended to be exhaustive of the general prohibition stated in Section 2.

- A. **HORNS AND OTHER SIGNALING DEVICES.** The sounding of any horn, signaling device, or similar apparatus such as what would be found on any automobile, motorcycle, boat, bus, truck, or other vehicle, except as a danger warning.
- B. **LOUDSPEAKERS, RADIOS, TELEVISIONS, PHONOGRAPHS, AND MUSICAL INSTRUMENTS.** The using, operating, or permitting to be played, used, or operated, any loudspeaker, radio, television, phonograph or steno phonic equipment, musical instrument, or other such device for the production or reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the origin of the noise or at the property line of the property from which the noise originates, whichever is further.
- 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 11:00 p.m. and 7:00 a.m., such that it is plainly audible at a distance of 50 feet from the origin of the noise or at the property line of the property from which the noise originates, whichever is further.

- D. ANIMALS, BIRDS OR PETS. The keeping of any animal, bird, or pet which causes frequent or continuous loud noise, and is plainly audible at a distance of 50 feet from the origin of the noise or at the property line of the property from which the noise originates, whichever is further.
- E. EXHAUST NOISES. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or any other form of engine, whether in a boat, motor vehicle, motorcycle, off-road vehicle, or tractor, except through a muffler or other device which effectively prevents or reduces loud or explosive noises.
- F. HANDLING MERCHANDISE. The creation of unreasonably loud and excessive noise in connection with the loading or unloading of any vehicle or trailer, or the opening or destruction of bales, boxes, crates, and containers, which is plainly audible at a distance of 50 feet from the origin of the noise or at the property line of the property from which the noise originates, whichever is further.
- G. CONSTRUCTION OR REPAIRING OF BUILDINGS. The erection (including excavation), demolition, alteration or repair of any building or structure between the hours of 8:00 p.m. and 7:00 a.m., except in case of urgent necessity in the interest of public health and safety, for the duration of such emergency.
- H. BUSINESS OPERATIONS AND OTHER PREMISES ACTIVITIES. The carrying on of any business operations, or any other activities upon any premises in such a manner which is plainly audible at a distance of 50 feet from the origin of the noise or at the property line of the property from which the noise originates, whichever is further.
- I. PILE DRIVERS AND OTHER HEAVY EQUIPMENT. The operation between the hours of 8:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other form of heavy equipment, the use of which is attended by loud, or repeated or continuous noise.

**Section 4. General Exceptions.** The noise prohibitions set out in Sections 2 and 3 shall not apply to the following:

- A. Noise from any police vehicle, ambulance, fire engine, and other emergency vehicles while engaged in necessary emergency activities.
- B. Excavation or repair of bridges, streets, highways, or other property by or on behalf of the State of Michigan, Ottawa County, or the Township at any time if

the public welfare, health, safety, or convenience renders it impossible to perform such work during other business hours.

- C. Noises emitted from warning devices for the purpose of notifying individuals or the public at large as authorized by law.
- D. All railroad operations meeting the maximum permissible noise levels allowed or permitted by law.
- E. Any authorized noise caused by a person or entity to whom a license or permit has been issued to perform the specific acts from which the noise emanates, such as legally operating parades, concerts, festivals, or other similar events, including practices for such events. Such events may still be subject to noise limitations indicated in the license or permit.
- F. Athletic, musical, and cultural activities or events, including practices and rehearsals, conducted by public or private schools, if conducted in accordance with any applicable policy in effect.
- G. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

**Section 5. Temporary Exemptions.**

- A. The Township Supervisor is authorized to grant a temporary exemption from the requirements of this Ordinance, if such temporary exemption would be in the public interest, and if there is no feasible and prudent alternative to the activity or the method of conducting the activity for which the temporary exemption is sought.
- B. The following factors shall be considered by the Township Supervisor in determining whether to grant a temporary exemption:
  - (1) The hardship to the applicant, the community and other persons if the exemption is not granted, balanced against the adverse impact on the comfort, repose, health, peace, or safety of persons if the exemption is granted;
  - (2) The nearness of any dwelling, or any other land use which would be adversely affected by the proposed noise;
  - (3) The approximate level of noise that will be generated by the activity for which the temporary exemption is sought;
  - (4) Whether the type of sound to be produced by the activity is usual or unusual for the location or area for which the exemption is requested;

- (5) The density of population in the area where the activity is to take place; and
  - (6) The time of day or night during which the activity will take place.
- C. A temporary exemption must be in writing and signed by the Township Supervisor or an authorized designee; the writing must set forth the name of the person or entity granted the exemption, the location of the property for which it is authorized, the dates and times for which it is effective, and the type of noise authorized.
- D. A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days

**Section 6. Severability.** The provisions of this Ordinance shall be deemed severable, and should any section, clause, or provision be declared unconstitutional or contrary to the law of the State of Michigan, and voided by any court of competent jurisdiction, that shall not affect the validity of the Ordinance as a whole or any part other than the part or section declared to be unconstitutional or invalid.

**Section 7. Violations.** A violation of this Ordinance shall be deemed to be a Municipal Civil Infraction, as defined by and enforced under the provisions of Ordinance 2009-02, Municipal Civil Infractions Ordinance. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

**Section 8. Repealer.** Ordinance No. 31 is repealed and superseded by this Ordinance. Further, any other ordinance or resolution that is inconsistent with the provisions of this Ordinance is repealed to the extent of such inconsistency.

**Section 9. Effective Date.** This Ordinance was adopted by the Township board on December 14, 2017, and shall take effect on January 22, 2018, being a date 30 days after the first publication in the *Holland Sentinel*, a newspaper having general circulation in the Township, pursuant to the provisions of MCL 1945 P.A. 246, as amended.

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Howard Baumann, Township Supervisor

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Kathy Van Voorst, Township Clerk

**CERTIFICATE**

I, the undersigned, duly qualified and acting Township Clerk of the Township of Port Sheldon, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board at a regular meeting of the Township Board held on the 14<sup>th</sup> day of December, 2017. I do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with 1976 PA 267, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Kathy Van Voorst, Township Clerk