

**OTISCO TOWNSHIP
IONIA COUNTY, MICHIGAN**

Ordinance No. 2023-01

NOISE ORDINANCE

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Otisco Township, Ionia County, Michigan, by the regulation of noise within said Township and to prescribe the penalties for the violation thereof.

THE TOWNSHIP OF OTISCO, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This Ordinance shall be known and cited as the Otisco Township Noise Ordinance.

Section 2: Noise Regulations

A. General Regulations. No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any excessive, unnecessary, or unusually loud noise or disturbance which either endangers the comfort, health, peace, quiet or safety of persons in the Township or their property, or annoys or disturbs a reasonable person of normal sensitivity.

B. Specific Violations. The following acts, among others, are hereby declared to be loud, disturbing, injurious, and unnecessary and unlawful noises in violation of this Ordinance; provided, however, that the specification of these acts is not to be construed to exclude other violations of this Ordinance not specifically enumerated:

1. Amplified Sound and Musical Instruments. The playing of any radio, phonograph, television, amplified or unamplified musical instrument, loud speaker, tape recorder, compact disc player, or other electronic sound procuring devices, in such a manner or with volume, at any time and place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any person in the vicinity.

a. The operation of such musical instrument or electronic sound producing device in such a manner as to be plainly audible on a property or in a dwelling unit other than the unit in which it is located, shall be *prima facie* evidence of a violation of this Ordinance.

b. The operation of any such electronic sound producing device in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be *prima facie* evidence of a violation of this Ordinance.

C. Exceptions. This Ordinance shall not prohibit:

A. Emergency Vehicles. Any police vehicles, ambulances, fire engine or emergency vehicle while engaged in necessary emergency activities.

B. Highway and Utility Maintenance and Construction. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, the Township, or the County of Ionia, or any public utility, or any agency of the foregoing when the public welfare, safety and convenience necessitates the performance of the work at such time.

C. Warning Devices. Warning devices omitting sound for warning purposes as required by law.

D. Agricultural Operations. Noise created by agricultural operations which is permitted by the Right to Farm Act, being Public Act No. 93 of 1981, as amended.

E. Township Approved Activities. Township sponsored or approved parades, festivals, fairs or events.

F. Construction Projects. Construction noise between the hours of 7:00 a.m. and 9:00 p.m., as long as a valid building permit has been issued by the Township and is currently in effect, if applicable.

G. Repair and Maintenance Work. Noise occurring between 7:00 a.m. and 9:00 p.m. caused by home or building repairs or from maintenance of grounds.

H. Firearms. Noise emanating from the discharge of firearms, providing the discharge of the firearms is authorized under Michigan law and all local ordinances.

I. Approved Activities. Activities for which specific provisions are made for noise, including provisions made in the Township Zoning Ordinance or conditions of approval placed upon site plan, special land uses, or other zoning approvals.

Section 3: Violation; Municipal Civil Infractions.

A. Any person, firm, corporation, or other entity who violates this Ordinance or who uses or permits the use of any property in violation of this Ordinance is responsible for a municipal civil infraction, and its subject to payment of a civil fine of not less than \$100 or more than \$250 for each violation, plus the Township's attorney fees and other costs incurred in enforcing this Ordinance.

B. Repeat offenses shall be subject to increased civil fines. For purposes of this section, "repeat offences" means a second (or subsequent) violation of this Ordinance committed by a person within six months of another violation for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

1. The civil fine for violation that is a first repeat offense shall be not less than \$250 nor more than \$500 for each violation, plus the Township's attorney fees and costs incurred in enforcing this Ordinance.

2. The civil fine for a violation that is a second repeat offense or a subsequent repeat offense shall be not less than \$500 nor more than \$1,000 for each violation, plus the Township's attorney fees and costs incurred in enforcing this Ordinance.

3. Each day on which a violation of this Ordinance continues constitutes a separate offense and shall be subject to civil fines.

C. The foregoing sanctions are in addition to the Township rights to seek other appropriate and proper remedies, including actions in law or equity.

Section 4: 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.

Section 5: Repealer

Any ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6: Effective Date

This Ordinance shall take effect thirty (30) days following publication.

The undersigned Clerk of the Township of Otisco hereby certifies that this Noise Ordinance was duly adopted by the Township Board at a meeting held on the 9th day of May, 2023, and that this ordinance (or summary thereof) was published on the 10th day of May, 2023 in the _____. This Ordinance shall take effect thirty (30) days after said date of publication.

Lynda Sower, Township Clerk