

Brooks Township Ordinance No. 97-14

Anti-Noise Ordinance
Adopted: July 21, 1997
Effective: August 20, 1997

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Brooks Township, Newaygo County, Michigan, by the regulation of noise within said township: to prescribe the penalties for the violation thereof.

THE TOWNSHIP OF BROOKS, NEWAYGO COUNTY, MICHIGAN ORDAINS

Section 1: Title

This ordinance shall be known and cited as the Brooks Township Anti-Noise 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 Brooks Township.

B. *Specific Violations* – The following noises and disturbances are hereby declared to be in violation of this ordinance. The specification of the same does not exclude other violations of this ordinance not specifically enumerated.

1. Playing of any radio, phonograph, television, musical instrument, or other electronic or mechanical sound producing device at any time, but especially between 11 p.m. and 7 a.m. in such a manner or with such volume as to be audible beyond the property line, or loudly enough to disturb the quiet, comfort or repose of persons in the vicinity.
2. Yelling, shouting, hooting, singing or loud parties between the hours of 11 p.m. and 7 a.m. or at any time or place so as to unreasonably disturb the quiet, comfort or repose of any persons in the vicinity.
3. Emitting or creating any excessive noise that unreasonably interferes with the operation of any school, church, hospital or court.
4. Keeping any animal, bird or fowl that emits frequent or extended noise that disturbs the quiet, comfort or repose of any person in the vicinity, such as allowing a dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
5. Sounding of a horn or signal device on an automobile, motorcycle, bus, other vehicle, or a water craft, except to avoid accident or collision.

6. Operating an automobile, motorcycle, other vehicle or water craft so out of repair or so loaded or constructed that it causes loud and unnecessary grating, grinding, rattling, exhaust or other unreasonable noise that is audible from nearby properties and that disturbs the quiet and comfort of persons thereon.
7. Discharging, outside of an enclosed building, the exhaust of a steam engine, internal combustion engine, motor vehicle or motor boat engine except through a muffler or other similar device that prevents loud or explosive noise.
8. Modifying or failing to maintain any noise-abatement device on a motor vehicle, engine or water craft so that the noise is louder than it was when originally manufactured.
9. Erecting, excavating, demolishing, altering or repairing any building or premises in any part of the township between 11 p.m. and 7 a.m. so as to create noise or disturbance unreasonably annoying to other persons, 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. The permit issued will limit the periods that the activity may continue.
10. Operating a race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind in an area not specifically zoned for such an operation, and/or where the noise created would be unreasonably disturbing to other persons in the vicinity.
11. Operating a sound truck for any purpose, commercial or non-commercial, except by permit.

C. *Exceptions* – None of the prohibitions hereinbefore enumerated 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, highways or other property by or on behalf of the State of Michigan, Brooks Township, or Newaygo County between sundown and 7 a.m., when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.

Section 3: Severability

The provisions of this ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any part invalid for any reason, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

Section 4: Sanctions for Violation

Any person, firm, or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine determined in accordance with the following schedule:

1 st violation	\$ 50.00
2 nd violation	\$125.00
3 rd violation	\$250.00
4 th violation	\$400.00

Additionally, the violator shall pay costs, which may include all direct or indirect expenses the Township has incurred in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan Law.

Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 5: Non-repeal

This ordinance shall not be construed to repeal by implication any other ordinance of Brooks Township pertaining to the same subject matter.

Section 6: Effective Date

This ordinance shall become effective thirty (30) days after publication in a newspaper circulating within the Township of Brooks, Newaygo County, Michigan.

Lora Jones, Brooks Township Clerk

PROCEDURAL CHECKLIST

Date of Passage of Ordinance: July 21, 1997

Members Voting Aye:

Members Voting Nay:

Black

None

Jones

North

Hulst

Besser

Date of Publication of the Ordinance: August 20, 1997

Newspaper In Which Publication Was Made: Times Indicator

STATE OF MICHIGAN)
) SS:
COUNTY OF NEWAYGO)

I, the undersigned, being the duly elected, qualified and acting Clerk of the Township of Brooks, County of Newaygo and Sate of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the Township of Brooks as hereinabove set forth; and that said Ordinance was duly published on the date indicated above by the insertion of a true copy thereof in the Times Indicator, which is a duly qualified newspaper circulating within the Township of Brooks.

In Testimony Whereof, I have hereunto set my hand this 20th day of August, 1997.

Lora L. Jones
Township Clerk

Date of Filing with County Clerk: August 25, 1997