

PART 20 – ANTI-NOISE ORDINANCE

20.001 Anti-Noise Regulation

No person, firm, or corporation shall cause, create, maintain, or operate any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Allegan.

20.002 Noise Creating Activities

The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:

- A. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle for any purpose other than to avoid an accident or a collision.
- B. The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, rattling, exhausting, or other noise disturbing to the quiet, comfort, or repose of other persons.
- C. The emission or creation of any excessive noise on any street which unreasonable interferes with the operation of any school, church, hospital, or court.
- D. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- E. The discharging of the exhaust of any steam engine, steam whistle, internal combustion engine, motor vehicle, or motor boat engine outside of any enclosed building except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
- F. The creation of any loud or excessive noise, unreasonable disturbing to other persons in the vicinity in connection with the loading or unloading of any vehicle, trailer, box car, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.
- G. The operation of any machinery, equipment, or mechanical devices so as to emit unreasonable loud noise which is disturbing to the quiet, comfort or repose of any person.
- H. The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, in such manner as to emanate noise or disturbance unreasonable annoying to other persons, including the streets and highways therein, other than between the hours of 6:00 A.M. and sundown on week days except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit from the Township Building Inspector which permit shall specify the period that the activity may continue.

- I. The operation of any racetrack, motorcross tracks, 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 not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonable disturbing and annoying to other persons in the vicinity.
- J. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons.
- K. Yelling, shouting, hooting, or singing on the public streets between the hours of 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 any persons in the vicinity.
- L. The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.

20.003 Exceptions

None of the prohibitions hereinbefore enumerated shall apply to or be enforced against:

- A. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- B. Necessary excavations in the repairs of bridges, streets, highways or any public utility or any agency of the state of Michigan during the night and weekends in which public safety, welfare and convenience necessitates the performance of the work at that time.
- C. The use of amplifiers or loudspeakers or other such devices by churches or other organizations approved by the Township board including the ringing of church bells or chimes between the hours of 7 a.m. and 10 p.m.
- D. The use of public address systems or other sound amplifiers outside of buildings or upon sound trucks or cars between the hours of 7 a.m. and 10 p.m. for religious, educational, or recreational purposes. Such use must be approved by the Township board.
- E. The Township Board shall have authority to grant permits for short-term outdoor recreational or holiday activities that may generate noise in excess of the limits set forth in this ordinance. The Township board shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact on the proposed activity on the surrounding area.

20.004 Violation and Penalties

- A. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1st Offense	\$75.00	\$500.00
-2nd Offense	\$150.00	\$500.00
-3rd Offense	\$300.00	\$500.00
-4th or More Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Allegan Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition, any violation of this Ordinance is also hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law. Each day that a violation exists shall constitute a separate offense.

20.005 Enforcement

This Ordinance may be enforced by any deputy of the Allegan County Sheriff's Department, and by such other person or persons as the Township Board may designate.

20.006 Conflicting And Repeal of Ordinance

Ordinance No. 95-1, adopted September 11, 1995, known as the "Public Nuisance and Anti-Noise Ordinance", and any other ordinance or parts of ordinances in conflict herewith are hereby repealed.

20.007 Severability

The several provisions of this ordinance are declared to be severable and the holding of any Court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

20.008 Effective Date

This ordinance shall become effective 30 days after publication of adoption.