

ORDINANCE NO. 63

LEE TOWNSHIP NOISE ORDINANCE

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

The Township of Lee, Midland County, Michigan, hereby ordains:

SECTION 1. GENERAL PROHIBITION.

No person, firm, or corporation shall cause or maintain any unreasonably loud noise or disturbance which is injurious to, or which significantly interferes with or disturbs the public health, safety, welfare, peace, comfort, convenience or other public interest of the residents and property owners of the Township. Any such noise or disturbance between 10:00 p.m. and 7:00 a.m. is hereby declared a public nuisance.

SECTION 2. SPECIFIC VIOLATIONS.

The following noises and disturbances, when unreasonable in time, manner, or volume and injurious to, or significantly disturbing or interfering with the public health, safety, welfare, peace, comfort, convenience, or other public interest, are hereby declared to be a violation of this Ordinance:

- 1 Unreasonable emission or creation of any excessive noise such as yelling, shouting, singing, or use of any radio, television or other electronic or mechanical sound-producing device, including any musical instrument which disturbs the peace and quiet of the neighborhood.
2. The keeping of any animal, bird, or fowl, including, but not limited to a barking dog, which creates unreasonable or excessive frequent or extended noise which disturbs the peace and quiet of the neighborhood.
3. The operation of any automobile, motorcycle, or other vehicle that causes unreasonable or excessive noise, including but not limited to noise resulting from exhaust. The modification of any noise abatement device or muffler on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle as originally manufactured shall be a violation of this section.
4. The sounding of any horn or other device on any motor vehicle unless reasonable under the circumstances or necessary to operate said vehicle safety or as required by Michigan Law.

5. The unreasonable or excessive use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale display or other commercial purpose which disturbs the peace and quiet of the neighborhood.
6. The operation of any machinery, equipment, or mechanical device so as to emit unreasonably loud or excessive noise which disturbs the peace and quiet of the neighborhood.
7. The operation of any race track, 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 where the noise emitted would be unreasonably injurious to, or an unreasonable interference with the public health, safety, or welfare. Under no circumstances shall any racetrack, proving ground, testing area or obstacle course operate after 11:00 p.m.

SECTION 3. ALLOWED EXCEPTIONS.

None of the prohibitions hereinbefore described shall apply to the following:

1. Reasonable excavation, construction, alteration or demolition activities between the hours of 7:00 a.m. and 10.00 p.m., or any reasonable time when such activity is urgently necessary in the interest of the public health, safety, or welfare.
2. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency activities.
3. Warning devices emitting sound for warning purposes as authorized by law.
4. Normal sounds emitted by farm equipment in good working condition being operated lawfully and in a reasonable manner.

SECTION 4. NOISE PERMIT.

The Township Supervisor, upon request, may issue a permit allowing otherwise prohibited noise of nature, under circumstances and for a time period as described in the permit. In determining whether to grant any such permit, the Township Supervisor shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Supervisor shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on the surrounding area. Each such permit must be in writing and shall be for a time period not longer than twenty-four (24) hours.

SECTION 5. SEVERABILITY.

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any paragraph, sentence, clause or phase of this Ordinance shall be declared unconstitutional, unlawful, or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, unlawfulness or unenforceability shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phases of this Ordinance.

SECTION 6. PENALTY.

The penalty for any person, firm or corporation violating this Ordinance shall be a fine of not more than five hundred dollars (\$500.00) or imprisonment in the County jail for not more than thirty (30) days, or both fine and imprisonment, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages, or other appropriate legal action. Any violation of this Ordinance is deemed a civil infraction.

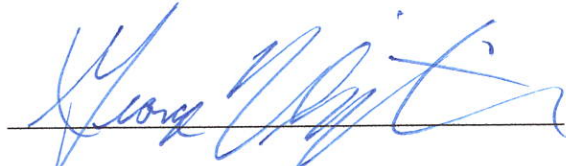
SECTION 7. INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency.

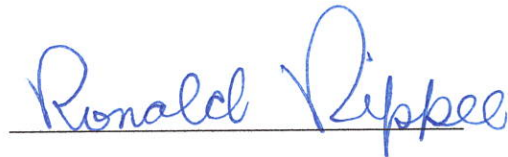
SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after publication in a newspaper of general circulation in the Township.

Adopted by the Township Board of the Township of Lee, County of Midland, State of Michigan, on the eleventh day of March, 2013



George Whittington, Supervisor



Ron Rippee, Clerk

Effective Date: 3-30-13