

**JONESFIELD TOWNSHIP
SAGINAW COUNTY, MICHIGAN
CHAPTER 11 - NOISE ABATEMENT**

PLEASE TAKE NOTICE that a regular meeting held on May 21, 2012, the Jonesfield Township Board adopted Chapter 11 - Noise abatement. The summary of the Ordinance appears below.

CHAPTER 11 - NOISE ABATEMENT ORDINANCE

- SECTION 1101: Short Title
- SECTION 1102: Definitions
- SECTION 1103: Prohibited Generally
- SECTION 1104: Radios, Television Sets, Musical Instruments, Tape Players, Compact Disc Players
And Similar Devices.
- SECTION 1105: Loudspeakers; Public Address Systems
- SECTION 1106: Animals And Birds
- SECTION 1107: Loading And Unloading
- SECTION 1108: Vehicle Or Motorboat Repairs And Testing
- SECTION 1109: Explosives, Firearms And Similar Devices
- SECTION 1110: Domestic Power Tools and Equipment
- SECTION 1111: Exhausts
- SECTION 1112: Operation Of Motor Vehicles
- SECTION 1113: Exceptions
- SECTION 1114: Sanctions
- SECTION 1115: Severability
- SECTION 1116: Effective Date

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will be available and may be purchased at the Jonesfield Township Office on the regular scheduled Jonesfield Township Board meeting days, from the date of this publication.

Approved: _____
Rochelle E. Siler

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Jonesfield Township
217 Eddy
Merrill, MI 48637

CHAPTER 11

NOISE ABATEMENT

SECTION

SECTION 1101:	Short Title
SECTION 1102:	Definitions
SECTION 1103:	Prohibited Generally
SECTION 1104:	Radios, Television Sets, Musical Instruments, Tape Players, Compact Disc Players And Similar Devices.
SECTION 1105:	Loudspeakers; Public Address Systems
SECTION 1106:	Animals And Birds
SECTION 1107:	Loading And Unloading
SECTION 1108:	Vehicle Or Motorboat Repairs And Testing
SECTION 1109:	Explosives, Firearms And Similar Devices
SECTION 1110:	Domestic Power Tools and Equipment
SECTION 1111:	Exhausts
SECTION 1112:	Pile Drivers, Hammers, etc.
SECTION 1113:	Exceptions
SECTION 1114:	Sanctions
SECTION 1115:	Severability
SECTION 1116:	Effective Date

1101: SHORT TITLE:

This Ordinance may be cited as the *NOISE ABATEMENT ORDINANCE*.

1102: DEFINITIONS:

COMMERCIAL AREA:	Refers to a parcel of land zoned for or legally used for commercial purposes. A parcel which is zoned commercial by the Township Zoning Ordinance or is legally being devoted to a use which is a principal permitted use in such zoning districts is presumed to be such an area.
CONTINUOUS NOISE:	Means any noise whose level does not vary during a period of at least five (5) minutes.
EMERGENCY:	Means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action necessary to protect the public health, safety and welfare.

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1102: DEFINITIONS (CONTINUED)

IMPULSIVE NOISE:	Means a short burst of sound not exceeding ten (10) seconds in duration.
INTERMITTENT NOISE:	Means any noise whose level remains constant which goes on and off during the course of at least ten (10) seconds or goes on and off during a period of at least five (5) minutes, but which exceeds ten (10) seconds in duration each time it is on.
NIGHTTIME:	Unless otherwise specifically noted, means the hours from ten o'clock (10:00) P.M to seven o'clock (7:00) AM
NOISE:	Refers to any sound occurring on either a continuous, intermittent or impulsive basis. It also means the intensity, frequency, duration and character of sound, including sound and vibration of sub audible frequencies.
NOISE DISTURBANCE:	Means any sound which endangers or injures the safety or health of humans or animals; annoys sensibilities; and/or endangers or injures personal or real property.
REAL PROPERTY BOUNDARY:	Means and imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions

1103: PROHIBITED GENERALLY:

It shall be unlawful for any person to unreasonably make, continue or cause to be made or continued, any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way shall be exempt from the operation of this ordinance.

1104: RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS, TAPE PLAYERS, COMPACT"DISC PLAYERS AND SIMILAR DEVICES:

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound is prohibited as follows:

- A In such a manner as to create a noise disturbance across a real property boundary.
- B. In such a manner as to create a noise disturbance at fifty feet (50') (15 meters) from such a device, when operated in or on a motor vehicle on a public right of way or public space.

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1104: RADIOS ETC. (CONTINUED)

- C. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

1105: LOUDSPEAKERS; PUBLIC ADDRESS SYSTEMS:

It shall be unlawful to:

- A. Non- commercial Use: Use or operate for a noncommercial purpose any loudspeaker, public address system or similar device during the nighttime, so that the sound therefrom creates a noise disturbance across a real property boundary.
- B. Commercial Use: Use or operate for any commercial purpose any loudspeaker, public address system or similar device:
 - 1. When the sound creates a noise disturbance across a real property boundary
 - 2. During the nighttime or on a public right of way or public space.

1106: ANIMALS AND BIRDS:

It shall be unlawful to own, possess or harbor any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a real property boundary.

1107: LOADING AND UNLOADING:

Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects during the nighttime in such a manner as to cause a noise disturbance across a real property boundary shall be unlawful.

1108: VEHICLE OR MOTOR BOAT REPAIRS AND TESTING:

It shall be unlawful to repair, rebuild, modify or test any motor vehicle, motor cycle or motor boat in such a manner as to cause a noise disturbance across property boundary.

1109: EXPLOSIVES, FIREARMS AND SIMILAR DEVICES:

The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or in a public space or right of way shall be unlawful except in areas where firing a gun and/or

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1110: DOMESTIC POWER TOOLS AND EQUIPMENT:

It shall be unlawful to operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, pump or similar device used outdoors in residential areas during the nighttime so as to cause a noise disturbance across a real property boundary, except in an emergency.

1111: EXHAUSTS:

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom shall be a violation of this chapter.

1112: OPERATION OF MOTOR VEHICLES:

- A. The creation of any noise by the speeding up in lower gears of any car, truck, tractor, motor bike or any other motor vehicle beyond what is necessary to increase the speed of the motor vehicle sufficiently to orderly shift into the next higher gear, shall be unlawful.
- B. Any person who operates such a motor vehicle by speeding it up in fast acceleration, shifting quickly from one gear to another and then going only a short distance before slowing down or stopping, or any person who makes successive fast accelerations shifting gears quickly and racing the motor only to slow down soon after and immediately repeat the fast acceleration and shifting of gears, shall be guilty of a violation of this Code.
- C. Any person who races the motor of any such vehicle unnecessarily while the motor vehicle is standing still or is moving but not in gear or with the clutch out, shall be guilty of a violation of this Code.

1113: EXCEPTIONS:

This Ordinance shall not apply to the following:

- A. Alarms: The emission of sound or the purpose of alerting persons to the existence of an emergency.
- B. Emergency Work: The emission of sound in the performance of emergency work.
- C. Motor Vehicles And Equipment: Motor vehicles and equipment or which noise levels are regulated by Act No. 73 of the Public Acts of Michigan of 1978 (MCLA 257.707a et seq.), as amended.
- D. Aircraft And Trains: Aircraft and trains.

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1113: EXCEPTIONS (CONTINUED)

- E. Building, Construction And Demolition: The erection (including excavating) demolition, alteration or repair of any building or structure:
 - 1. Between the hours of seven o'clock (7:00) AM. and eight o'clock (8:00) P.M. Monday through Saturday and ten o'clock (10:00) AM. to six o'clock (6:00) P.M. on Sunday; or
 - 2. At any other time if a permit has been secured from a Building Official. Such permit may be issued if the Building Official finds the following facts to exist:
 - a. Issuance of the permit is in the interest of public health or safety.
 - b. The public health and safety will not be impaired.
 - c. The permit is necessary to avoid substantial loss or inconvenience to and interested party.
- F. Domestic Equipment: The operation of domestic tools such as lawnmowers, snow blowers, edgers, etc., when such tools are operated in a manner and frequency that is normal and customary in the community.
- G. Public Functions: Public functions which request and are given specific exemption by the Township Board.
- H. Public Employees: Peace officers, members of any branch of the armed services, public employees, and members of a fire department while in the discharge of their proper duties.
- I. Generators: The operation of Generators operated in the performance of emergency work.

1114: SANCTIONS:

- A. Any person or other entity 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 of not more than five hundred dollars (\$500.00) plus costs, which may include all direct or indirect expenses, to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. 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.

1115: SEVERABILITY:

The provisions of the within Ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

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1116: EFFECTIVE DATE: May 21, 2012

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance will be available and may be purchased at the Jonesfield Township Office on the regular scheduled Jonesfield Township Board meeting days, from the date of this publication.

Approved: _____
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