

Article 34
Millen Township Ordinance _____
Noise

The Township of Millen, Alcona County, Michigan, ordains:

Section 34.1 - Title

This Ordinance shall be known and cited as the Millen Township Anti-Noise Ordinance.

Section 34.2 - Anti-Noise Regulations

- A. **General Regulation.** No person, firm, corporation or other legal entity shall cause, create, or maintain any unreasonably loud noise or disturbance which is injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose, or other interests of persons of common sensibilities in the vicinity or on nearby properties. Any such noise or disturbance is hereby declared a nuisance per se.

- B. **Specific Violations.** The following noises and disturbances, when unreasonable in time, manner, or volume and injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose, or other interests of persons in the vicinity or on nearby properties are declared to be a violation of this Ordinance. Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.
 - 1. It shall be unlawful between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday for any person to make, create, maintain, or permit any loud, unnecessary noise of such character, intensity, or duration, either steadily or intermittently, at any place which annoys, disturbs, endangers, or impairs the comfort, health, convenience, safety, welfare, enjoyment, and peace and quiet of other persons of common sensibilities in the vicinity.

 - 2. It shall be unlawful to play, use, or operate, or permit the playing, using, or operating, or any television or radio receiving set, musical instrument, phonograph or other machine or device for producing, reproducing, or amplifying sound in such a manner as to create a noise disturbance, or at any time with a louder volume than is necessary for convenient hearing for the persons who are in the room, chamber, vehicle, or other place in which such an instrument, machine, set, or device is operated and who are voluntary listeners thereto. The operation of any such television, radio receiving set, instrument, phonograph, machine, or device between the hours specified in paragraph B.1 above in such a manner as to be plainly audible at a distance of fifty (50) feet from the building,

structure, vehicle, or other place in which it is located shall be prima-facie evidence of a violation of this section. This subsection shall not apply to noncommercial speech.

3. It shall be unlawful to keep any animal, dog, or bird which by causing frequent or long-continuing noise or barking, causes a disturbance as defined in paragraph B.1 above.
4. Operating any automobile, motorcycle, or other vehicle or engine that causes unreasonable noise, including but not limited to noise resulting from exhaust, mechanical defect, or modification which, by creation of unreasonable noise, shall be disturbing to other persons in the vicinity. The modification or removal 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 or engine is increased above that emitted by such vehicle as originally manufactured shall be a violation of this section.
5. Erecting, excavating, demolishing, altering, or repairing any building or premises in any part of the township, and including streets and highways, in such a manner as to emanate unreasonable or excessive noise, or disturbance annoying to other persons, other than between the hours of dawn and sundown of any day.
6. It shall be unlawful between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday for any person to operate any commercial race track, proving ground, testing area, 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 emanating from it would be disturbing and upsetting to another person in the vicinity.

C. **Exceptions.** None of the above-listed prohibitions shall apply to the following:

1. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in emergency activities.
2. Excavation or repair of bridges, streets, or highways or other property by or on behalf of the State of Michigan, County Road Commission, or other entity with jurisdiction of same.
3. Farming.
4. Industrial activities conducted in a properly zoned industrial area.
5. Warning devices emitting sound for warning purposes as authorized by law.
6. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

Section 34.3 – Violations

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction pursuant to Millen Township Ordinance 1462 (Article 27) “Civil Infractions” and is subject to a civil fine as specified in Section 27.5.

Section 34.4 - Severability

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

Section 34.5 - Effective date

This Ordinance shall become effective thirty (30) days after the date of its publication.

I hereby certify that the above Ordinance was adopted by the Millen Township Board at a regular meeting held on _____.

Millen Township Clerk

A summary of this ordinance was published in the Alcona Review on _____.

Ordinance becomes effective on _____.