

**ALPINE TOWNSHIP
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 09-04

**AN ORDINANCE TO PROHIBIT UNLAWFUL NOISE AND TO PROVIDE PENALTIES FOR
VIOLATION OF THE ORDINANCE**

ALPINE TOWNSHIP ORDAINS:

SECTION 1 – PURPOSE AND DEFINITIONS

It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any excessive, unnecessary, or unusually loud noise, or any noise which annoys or disturbs a reasonable person of normal sensitivities, or which injures, or endangers the comfort, repose, health, peace, or safety of others within the Township.

The following acts are declared to be loud, disturbing, injurious, and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive. Each such act which either continues or is repeated more than one-half hour beyond its inception shall be considered to be and may be prosecuted as multiple separate violations of this ordinance:

1. Horns and Signal Devices - The sounding of any horn or signal device on any automobile, motorcycle, bus, train, or other vehicle while not in motion, except as a warning signal in response to a reasonably perceived threat of imminent danger and implemented as an immediate safety measure; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable period of time.

2. Radio, Electronic Sound Producing Devices, and Musical Instruments - The playing of any radio, phonograph, television set, amplified or unamplified musical instrument, loudspeaker, tape recorder, compact disc player, or other such electronic sound producing devices, in such a manner or with volume, at any time or place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity:

a. The operation of any such musical instrument or electronic sound producing device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section.

b. The operation of any such electronic sound producing device in a vehicle in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Shouting and Whistling - Yelling, shouting, hooting, whistling, singing, or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the

quiet, comfort, or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any place of business or of any persons in the vicinity.

4. Loud Vehicles - The operation of any automobile, truck, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise, including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification or elimination of any noise abatement device 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.

5. Race Track, Etc. - The operation or use 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 where the noise emanating therefrom unreasonably disturbs other persons in the vicinity. Under no circumstances shall any racetrack, proving ground, testing area, or obstacle course operate after 10:00 p.m.

6. Hawking - The hawking of goods, merchandises, or services in a loud or disturbing manner.

7. Whistle or Siren - The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.

8. Engine Exhaust - The discharge into the open air of the exhaust of any steam engine or internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises.

9. Construction Noises - The erection (including excavation therefor), demolition, alteration, or repair of any building, and the excavation of streets and highways except between the hours of 7:00 a.m. and 8:00 p.m., unless a permit therefor is first obtained from the Township Supervisor or designee.

10. Devices to Attract Attention - The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.

SECTION 2 - EXCEPTIONS

None of the terms or prohibitions of this ordinance shall apply or be enforced against:

1. Emergency Vehicles - Any police, fire, or emergency medical vehicle while engaged in emergency activities.

2. Highway and Utility Maintenance and Construction - Necessary excavations or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Township, County Road Commission, or any public utility or agency of the state, during the night or on Sunday, when the public safety, welfare, and convenience necessitates the performance of the work at such time.

3. Public Address - The reasonable use of stationary amplifiers or loud speakers for public addresses which are noncommercial in character or for business or commercial

purposes so long as they do not unreasonably disturb persons on adjacent noncommercial property.

4. Agricultural Operations - Noise created by agricultural operations to the extent permitted by the Right to Farm Act, being Public Act No. 93 of 1981 (MCL 286.471 et seq.).

5. Township Approved Activities - Township approved or sponsored parades, festivals, fairs, or events.

SECTION 3 - VIOLATION OF ORDINANCE AND PENALTIES

Any person who violates or refuses to comply with any provision of this ordinance shall be responsible for a civil infraction and shall be subject to fines, costs and orders as authorized by law.

The civil infraction fine shall be \$50 for a first offense, \$100 for a second offense within two years of the first offense, and \$250 for a third or subsequent offense within two years of the first offense.

SECTION 4 - EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

At a regular meeting held on Monday, September 21, 2009, a motion was offered by Townsend, with support from May, to adopt Ordinance No. 09-04. The motion carried as follows in a roll call vote:

AYES: Arends, Cordes, May, Schweitzer, Townsend, Wahlfield, and Wallace.

NAYS: None.

ABSENT: None.

ORDINANCE NO. 09-04 WAS DECLARED ADOPTED.

Alex Arends, Supervisor

Jean Wahlfield, Clerk

I hereby certify the foregoing to be true and accurate copy of an ordinance duly adopted at a regular meeting of the Alpine Township Board held on Monday, September 21, 2009.

Jean Wahlfield, Clerk

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