

FILLMORE TOWNSHIP

PUBLIC NUISANCE AND ANTI-NOISE ORDINANCE

An Ordinance to define and prohibit nuisances in Fillmore Township; providing for their abatement, prescribing penalties for violations hereof; provide for the severability of sections; to repeal any ordinances or parts of ordinances in conflict herewith and set an effective date of this Ordinance.

THE TOWNSHIP OF FILLMORE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Title.

Section I. This Ordinance shall be known as "The Public Nuisance and Anti-Noise Ordinance."

Definitions.

Section II. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning herein given. When not inconsistent with the context, words, used in the present tense include the future, words in the plural number include the singular number. The word "*shall*" is always mandatory and not merely directory.

Person: Any person, firm partnership, association, corporation, company or organization of any kind.

Public Nuisance: Whatever annoys, injures, or endangers the safety, health, comfort, or repose of the public decency interfere with or obstructs or renders dangerous any street, alley, highway, or river or stream, or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance. Public nuisance shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance.

Township: Shall mean Fillmore Township, Allegan County, Michigan.

Creating, maintaining, and/or permitting a public nuisance.

Section III. No person shall create, maintain, or permit to be maintained a public nuisance in the Township.

Noise-creating activities.

Section IV. No person shall engage in the following noise-creating activities:

- A. The sounding of any horn or signal device on any automobile, motorcycle, train, or other vehicle while not in motion, except as a danger signal or to give warning of intent to get in motion, or, if in motion, only as a danger signal: the creating by means of such signal devices of an unreasonable loud or harsh sound, and the sounding of any signal device for any unreasonable or unnecessary period of time.
- B. The driving of any automobile, motorcycle or motorbike, with the muffler cut out or the racing of motor so as to cause it to backfire.
- C. The playing of any radio, phonograph, television set or musical instrument in such a manner, or in such volume, during the hours between 10:00pm and 6:00am of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, or of any person in the vicinity, and except as provided in Section VI, the playing at any time of any radio, phonograph installed in a building or automobile, or a public address system or other similar devices so that it annoys people in the area.
- D. Yelling, shouting, hooting, whistling, singing, or the making of any other loud noise in the public streets between the hours of 10:00pm and 6:00am or the making of any such noise at any time so as to annoy or disturb the quiet comfort, or repose of persons in any official dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity.
- E. The hawking of goods, merchandise, or newspapers in a loud or boisterous manner.
- F. The owning, keeping, harboring or having charge of any animal or bird either licensed or unlicensed, which by causing loud or frequent noise becomes a nuisance in the neighborhood in which such animal or bird is kept.
- G. The creating of loud and excessive noise by the blowing of any whistles or sirens, except to give notice of the time to begin work or stop work, or as a warning of fire or other danger.
- H. The discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through an efficient muffler or other device, which effectively prevents loud or explosive noises therefrom.
- I. The erection (including excavation therefore) demolition, alteration or repair of any building and the excavation of streets and highways on Sundays, and on other days except between the hours of 7:00am and 10:00pm. Exceptions to this provision may be made by the Township

Board in the case of residential building or alterations to a resident by the owner.

J. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other person (s) in the vicinity.

K. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound a amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property,

L. The operation of machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

M. The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicle, motorcycles, boats, racers, model airplanes, automobile or vehicle of any kind or nature in any area of the Township where the noise emanating there from would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any racetrack proving ground, testing area or obstacle course operate after 10:00pm on any evening.

Exceptions.

Section VI. None of the terms or prohibitions of the previous section shall apply or be enforced against:

- A. Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business.
- B. Necessary excavations in or repairs of bridges, streets, highways, or any public utility or any agency of the State of Michigan during the night or on Sunday, when public safety, welfare, and convenience necessitates the performance of the work at such time.
- C. The reasonable use of stationary amplifiers or loud speakers for public address, which are non-commercial in character.
- D. The use of sound amplifiers or other such devices by churches, or other organizations approved by the Township Board to broadcast Christmas or Easter music for a period not to exceed fifteen days prior to Christmas Day and seven days prior to Easter Sunday and the ringing of church bells

and chimes and the giving of chime concerts between the hours of 7:00am and 10:00pm.

- E. The use of public address systems and other sound amplifiers outside of buildings or upon sound trucks or cars, between the hours of 7:00am and 10:00pm for religious, educational and recreational purposes: Provided, that no such sound amplifiers shall be used unless permission to do so has been approved by the Township Board and a permit issued by it upon the following conditions: That no permit shall be issued on Sunday or Christmas Day; that such sound trucks shall not operator within 300 feet of any hospital or convalescent home, or any school during school hours; that the sound from such equipment shall be so regulated as to be audible to people in the street without creating a nuisance.
- F. The Township Board shall have authority to grant permits for short term outdoor recreational or holiday activities generating noise in excess of the limits set forth in this Ordinance. In determining whether or not to grant any such permit, the Township Board shall consider the duration of the proposed activity, the level of noise, likely to be generated by it, the times of day during which such 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 Board shall have the right to impose reasonable terms and conditions designated to minimize any adverse impact of the proposed activity on the surrounding area.

Penalties.

Section VII. Penalty. Any person who violates a provision of this Ordinance or fails to comply with any of its requirements shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a written warning for a persons first infraction. Each day during which any violation continues after a written warning has been served shall be deemed a separate offense. Increased civil fines may be imposed for repeat violations of this Ordinance; a repeat violation means a municipal civil infraction violation committed by a person within any twelve month period after the issuance of a written warning to that person and for which a person admits responsibility or is determined to be responsible. The increase civil fine for repeat violations shall be as follows:

- A. The fine for any offense which is a first repeat offense shall be \$50.00, plus costs and other sanctions; and
- B. The fine for any offense which is a second repeat offense shall be \$250.00, plus costs and other sanctions.

Any Allegan County Deputy Sheriff assigned to the Township pursuant to an agreement between the Township and Allegan County and the Allegan County Sheriff, as well as the Township Zoning Administrator, are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Fillmore Township Municipal Ordinance Violations Bureau).

Severability.

Section VIII. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

Repeal of conflicting ordinances and effective date.

Section VIII. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of the Ordinance, as of the effective date of this Ordinance, are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration and enforcement of this Ordinance only, will in no way, manner or form, repeal modify or otherwise change the definition of any such terms as used in other ordinances of the Township of Fillmore. This Ordinance is effective 30 days after publication following adoption.