

Noise Ordinance
Township of Forsyth, Marquette County, Michigan.

Adopted 3-31-10 Ordinance # 1-10

SECTION 1: PURPOSE

1.00 Purpose.

The intent of this ordinance is to provide Forsyth Township with an enforceable noise ordinance that acknowledges that residents are entitled to enjoy their property free from unreasonably loud, disturbing, or unnecessary noise and at the same time, respect people's rights to normal daily activities without unreasonable interference.

SECTION 2: TITLE

2.00 Title.

This Ordinance shall be known and may be cited as the Noise Ordinance of Forsyth Township.

SECTION 3: GENERAL PROHIBITED NOISE

3.00 General Prohibited Noise

- A. No person or entity shall cause or create any unreasonable noise or disturbance injurious to the health, safety, welfare, peace and prosperity of the general public of Forsyth Township.
- B. The following noises and disturbances are hereby declared to be a violation of this ordinance but shall not be deemed exclusive. Each act which continues or is repeated in a ½ hour time frame may be considered a separate offense and prosecuted as such.
 - 1. **HORNS & SIGNALS** – the sounding of any horn or signal device on any automobile, motorcycle, bus snowmobile, or other vehicle for any purpose other than to avoid an accident or collision, provide a signal of danger or give warning of motion.
 - 2. **MUSIC** – the playing of any radio, television, or musical instrument in such a manner that it is plainly audible on a property or in a dwelling other than which the sound is coming from.
 - 3. **VOCAL NOISES** – yelling, shouting, hooting, whistling, or singing on the public streets or public area between the hours of 10:00 pm to 8:00 am or at any dwelling or residence where the noise is plainly audible on a property or in a dwelling other than which the sound is coming from.
 - 4. **ANIMALS** – the keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort, or repose of others in the vicinity.
 - 5. **AUTOMOBILES** – the operation of any automobile, motorcycle, snowmobile, or other vehicle in such a state of disrepair, or loaded in such a manner, as to result in loud and unnecessary grating, grinding, rattling, exhaust, or other noise.
 - 6. **SIRENS** - the blowing of any whistles or sirens, except as a warning of fire, danger, or emergency.
 - 7. **ENGINE EXHAUST** – the discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, snowmobile, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
 - 8. **CONSTRUCTION** – the erection, excavation, demolition, alteration, or repair of any building or structure other than between sunrise and sunset where such activities result in the creation of unusually loud noise or noise which disturbs, injures, or unreasonably repairs the comfort, repose, health, peace, or safety of others except in the case of urgent necessity in the interest of public health and safety, for the duration of such emergency.

9. **DEVICES TO ATTRACT ATTENTION** – the use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to the other persons in the vicinity.
10. **YARD EQUIPMENT** – the use of any yard equipment including, but not limited to, chain saws, lawn mowers, leaf blowers, snow blowers, and insect control other than between sunrise and sunset where such activities result in the creation of unusually loud noise or noise which disturbs, injures, or unreasonably impairs the comfort, repose, health, peace, or safety of others.

SECTION 4: EXEMPTIONS

4.00 Exemptions.

- A. None of the terms or prohibitions of the previous section shall apply or be enforced against:
 1. **EMERGENCY VEHICLES** – any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary activities.
 2. **WARNING SIGNALS** – noises emitted from warning devices for the purpose of notifying individuals or the public at large as authorized by law.
 3. **PUBLIC ADDRESS AND GATHERINGS** – the use of stationary amplifiers or loud speakers for public address or gatherings that are non-commercial in character.
 4. **ROAD CONSTRUCTION, SNOWPLOWING, UTILITY MANAGEMENT** – excavation or repair of streets, highways, bridges or any utility management or work done by or on the behalf of Forsyth Township, County of Marquette, or State of Michigan.
 5. **GARBAGE PICK-UP** – any house to house garbage pickup done no more than once a week by a private company or Forsyth Township.
 6. **RAILROAD OPERATIONS** – all railroad operations meeting the maximum permissible noise levels permitted by law.
 7. **FIREARMS** – noise emanating from the discharge of firearms providing that such discharge is done in a legal and lawful manner and authorized under Michigan law or local ordinance.

- B. The determination of whether any noise or disturbance is a violation of the provision of this ordinance shall be in the discretion of the Forsyth Township Police Department, subject only to review by the Forsyth Township Board, upon proper application therefor made by the alleged violator, within 15 days after such determination by the Forsyth Township Police Department.

SECTION 5: VIOLATIONS

5.00 Violations and Penalties.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty. First infraction is One Hundred Dollars (\$100.00); subsequent infractions shall impose an additional One Hundred Dollar (\$100.00) fine respectively, up to a maximum of Five Hundred Dollars (\$500.00). Every day that a violation continues to exist shall constitute a separate infraction. Such penalty provision shall not preclude any other civil action against a violator for injunctive or other relief.

SECTION 6: SEVERABILITY

6.00 Severability Clause.


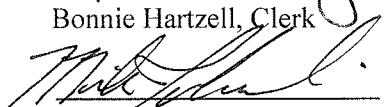
The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part of portion thereof.

SECTION 7 : REPEALER AND EFFECTIVE DATE

7.00 Repeal & Effective Date.

This Ordinance shall take effect on the date of first publication. All Ordinances or parts of Ordinances and specifically the Anti-Noise and Public Nuisance Ordinance adopted July 5, 1972 or other Ordinances in conflict herewith are repealed.

Dated: 3-31-10


Bonnie Hartzell, Clerk

Mike Jakubowski, Supervisor

Adopted at a ^{Special} ~~regular~~ meeting of the Forsyth Township Board on 3-31-10
MOTION by ARMATI, supported by NORDEEN that the Forsyth Township Board adopts the Noise Ordinance.

AYES: 5

NAYS: 0

MOTION CARRIED. Ordinance declared adopted.

Amendments adopted at a ~~regular~~ ^{Special} meeting of the Forsyth Township Board on 3-31-10.