

Exeter Township Ordinance #10-2013-1

Anti-Noise and Public Nuisance

An ordinance to secure the peace, general welfare, order, health and safety of the residents and property owners of Exeter Township, Monroe County, Michigan, and to prescribe a penalty for the violation of the provisions of this Ordinance.

The Exeter Township Board of Monroe County, Michigan hereby ordains:

Section 1 **TITLE**

This ordinance shall be known as the “Exeter Township Anti-Noise and Public Nuisance Ordinance.”

Section 2 **DEFINITIONS**

The word “person” or “persons” as used in this Ordinance means a natural person and also includes companies, corporations, partnerships and associations and their officers and officials existing under, or authorized to exist under, the laws of the State of Michigan or of any other state or any foreign country,

The word “nuisance” as used in this Ordinance means any act or acts on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property.

Section 3 **ANTI-NOISE**

A. General Regulation: No person, firm, or corporation shall cause or create any unreasonable or improper noise or disturbance injurious to the health, peace or quiet of the residents and property owners of Exeter Township.

B. Specific Violations: The following noises and disturbances are hereby declared to be a violation of this Ordinance, provided however, that the specification of the same is not thereby construed to exclude other violations of this Ordinance not specifically enumerated.

1. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, for any purpose other than to avoid an accident or collision.
2. The playing of any radio, phonograph, or any musical instrument in such a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of other persons.
3. Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 PM and 7:00 AM, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons.

4. The operation of any automobile, motorcycle, or other vehicle so as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort, or repose of other persons.
 5. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine, except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
 6. The erection, excavation, demolition, alteration, or repair of any building or premises in any residential district or section of the Township in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of sunrise and sunset; except in cases of urgent necessity in the interest of public health, safety, or welfare warranting the extension of these hours.
 7. The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
 8. The creation of any loud or excessive noise, unreasonably disturbing, to other persons in connection with the loading or unloading of any vehicle, trailer, box car, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers, between the hours of 11 PM and 7 AM.
 9. The use of any loudspeaker or other device for the purpose of attracting attention to any performance, show, sale or display of merchandise, which by the creation of such noise, is unreasonably disturbing and annoying to other persons.
 10. The operation of any race track, proving ground, testing area, mud pit, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons.
- C. None of the prohibitions hereinbefore enumerated shall apply to any of the following:
1. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.
 2. Temporary use of generators or other equipment during weather-related emergencies or natural disasters.
 3. Excavation or repair of bridges, streets, or highways by or on behalf of Exeter Township, the State of Michigan, or the County of Monroe.

Section 4 PUBLIC NUISANCE

A. No person shall create, cause or maintain any public nuisance within Exeter Township.

B. As defined herein, a nuisance includes, but is not limited to, conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, rodents, flies, mosquitoes or other insects, and decaying matter, whether such effects and emanations are natural or a result from human or mechanical alteration or manipulation of materials or equipment. A nuisance also includes residues or leaching from deposits of matter which seep into water on the surface or water in the ground, thereby making it unfit or unpalatable for human consumption or use by domestic animals. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

Section 5 ABATEMENT

It is the duty of the person who creates, causes, allows, suffers or permits the existence of any violation of this Ordinance, to eliminate the violation in a safe and appropriate manner. Abatement shall include, but not be limited to, cessation or control of activities; demolition, removal, repair, maintenance, construction, reconstruction, replacement or reconditioning of structures, appliances, appurtenances or equipment; use of screening and fencing; and removal, transportation, disposal and treatment of refuse, manure or other substances or media capable of causing obnoxious odors and/or attracting or breeding flies, mosquitoes and rodents.

Section 6 VALIDITY

The several provisions of this Ordinance are declared to be separate, and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion of the Ordinance.

Section 7: ENFORCEMENT

The determination of whether any noise or public nuisance is in violation of the provisions of this Ordinance shall be at the discretion of the Township Ordinance Officer. In the case of a dispute as to whether or not a violation has occurred, the Township Board shall have the authority to review the decision of the Ordinance Enforcement Officer and interpret the Ordinance.

Section 8 PENALTY

Any person, firm, corporation, or entity found violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this Ordinance may also be enforced by an action for injunction, damages, or other appropriate legal action.

Section 9 SAVINGS___

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 10 SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective, shall thereby cease to be part of this Ordinance; but the remainder of this Ordinance shall stand and be in full force and effect.

Section 11 EFFECTIVE DATE

This ordinance shall take effect 30 days from date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance was adopted at a regular meeting of the Township Board held on September 17, 2013, by roll call vote as follows:

T. Kernyo (X) yes () no
lott (X) yes () no
L. Kernyo (X) yes () no
Boggs (X) yes () no
Baltrip (Y) yes () no

The Ordinance is hereby ordered to be given publication in the manner duly prescribed by law.

Billie lott
Exeter Township

Clerk

Date: _____