

Ordinance 1 of 2013

The Township of Ossineke, Alpena County, Michigan, ordains:

SECTION 1 - Title

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

SECTION 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 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 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 4 - Violations, Penalty and Persons Responsible

1. Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine.
2. For the first offense, the person shall be fined not less than \$50.00, nor more than \$100.00, plus the costs of prosecution and other sanctions provided by law.
3. For a second offence occurring within two (2) years of the date the person was found responsible for the first or immediately preceding, the person shall be fined not less than \$100.00 nor more than \$200.00 plus the costs of prosecution and other sanctions provided by law.

4. For a third or subsequent offence occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$250.00 plus the costs of prosecution and other sanctions provided by law.

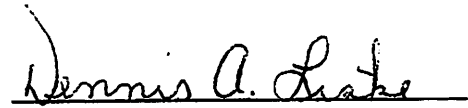
SECTION 5 - Severability

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 6 - 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 Ossineke Township Board at a regular meeting held on November 11, 2013.



Ossineke Township Clerk

A summary of this ordinance was published in the Alpena News on Nov 23, 2013.

Ordinance becomes effect on December 23, 2013