

ORDINANCE NO. 1801

This ordinance shall be known as the HOMER TOWNSHIP NOISE ORDINANCE

Section 1. PURPOSE

An ordinance enacted to regulate noise which may be injurious to, or which significantly interfere with the public health, welfare, peace, or comfort of residents and/or property owners of the township and to provide for the enforcement and penalties for the violation thereof. This ordinance repeals all ordinances, parts of ordinances and resolutions in conflict therewith

Section 2. DEFINITIONS

2.1 Noise is defined as any sound/disturbance of any kind which when unreasonable in time of day, duration, volume or manner is injurious to or significantly interferes with the public health, safety, welfare, peace, comfort, convenience or other public interest of the residents, businesses or property owners of the township.

Section 3. VIOLATIONS

3.1 Specific violations include but are not limited to the following:

3.1.1 Individual/group vocalizations or instrumentations either personally or electronically produced or reproduced emanating from a person or persons, structure, motor vehicle, watercraft, or other source.

3.1.2 The operation of any equipment, machinery, or mechanical device so as to emit unreasonably loud sounds.

3.1.3 The keeping of any animal, bird or fowl, including but not limited to a barking dog, which, by causing frequent or long continuous noise, shall disturb the comfort of repose of any person in the vicinity or on nearby property.

3.1.4 Any discharge of sound into the air from any noise/sound producing instrument/equipment including but not limited to wind sound pressure in excess of that level permitted in other ordinances.

3.1.5 Use of any loud speaker, amplifier, or other instrument or device, whether stationary or mounted on a land/air/water vehicle, whether for commercial or non-commercial purposes, which unreasonably disturbs any persons in the vicinity or on nearby property.

3.1.6. The playing of any electronic device or other type of playing/replaying device, any sound amplification at any time and place so as to annoy or disturb the quiet, comfort or repose of any person(s) in the vicinity or on nearby property.

3.1.7. Individual/group vocalizations or instrumentations either personally or electronically produced or reproduced emanating from a person or persons, structure, motor vehicle, watercraft or other source.

3.1.8. The operation of any automobile, truck, motorcycle, bus, or other vehicle that causes unreasonable noise, including but not limited to sound resulting from exhaust, braking, mechanical defect or modification. 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 sound emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured.

Section 4 **EXCEPTIONS**

- 4.1 Highway or other state/county/township/private construction/demolition/repair . sounds between the hours of 7:00am and 10:00pm.
- 4.2 Normal sounds emanating from farm equipment in good working condition being operated lawfully and in a reasonable manner following GAAMP guidelines in agricultural zoned districts.
- 4.3 Sounds, such as but not limited to music/loudspeakers, promoting a business or special event between the hours of 9:00am and 9:00pm, not to exceed 3 days (part days constitute a full day for the purpose of this ordinance) within a one year time period.
- 4.4 Any police, fire, or emergency vehicle engaged in enforcement or emergency activities.
- 4.5 Businesses from which noise emanates, by the nature of the service provided, must make all reasonable accommodations to minimize the volume and frequency of such noise especially during the hours of 9:00pm to 7:00am. If, in the opinion of the township enforcement officer, all reasonable accommodations have been made to minimize the noise the business shall not be deemed in violation.

Section 5. **SEVERABILITY**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional, unlawful or unenforceable by valid judgment or decree of any court or competent jurisdiction, such ruling shall not affect the remaining section, paragraphs, sentences, clauses or phrases of this ordinance.

Section 6. **ENFORCEMENT & PENALTIES**

- 6.1 This ordinance shall be enforced by the Zoning Administrator/designee, law enforcement personnel, or state/federal enforcement personnel.
- 6.2 Any person or other entity who violates any provision of this ordinance, including the property owner and person or entity in possession or control, is responsible for a municipal civil infraction as defined by Michigan laws and subject to a civil fine set by the court which shall be in addition to all other costs, attorney fees, damages, expenses and other remedies as provided by law. In addition to pursuing a municipal civil infraction the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this ordinance. Each day that a violation shall continue is to constitute a separate offense. All remedies available to the Township under this ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

11/8/11