

TOWNSHIP OF WEBBER

COUNTY OF LAKE, STATE OF MICHIGAN

WEBBER TOWNSHIP ORDINANCE NO. _____

ANTI-NOISE ORDINANCE

Adopted: _____

Effective: _____

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Webber Township, Lake County, Michigan, by the regulation of noise within said township; to prescribe sanctions for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

WEBBER TOWNSHIP
LAKE COUNTY, MICHIGAN
ORDAINS:

SECTION 1

TITLE

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

SECTION 2

ANTI-NOISE REGULATIONS

- A. 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 the Township of Webber.
- B. 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 to be 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) Setting off or detonating, in any manner, an explosive device on private property, unless otherwise authorized by law.
- (3) The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons.
- (4) Yelling, shouting, hooting or singing, on the public streets between the hours of 10:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.
- (5) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity of residential zoning districts 1 and 2.
- (6) The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, rattling, exhausting, Jake-braking or other noise disturbing to the quiet, comfort or repose of other persons.
- (7) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefore from the Township Board.
- (8) 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.
- (9) The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, in such manner as to emanate noise or disturbance unreasonably annoying to other persons, including the streets and highways therein, other than between the hours of 6:00 A.M. and sundown on days except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the Zoning Administrator of the township which permit shall specify the period that the activity may continue.
- (10) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
- (11) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity 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.

- (12) 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 other persons in the vicinity.
 - (13) The operation of any racetrack, proving ground, testing area, or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.
- C. None of the prohibitions hereinbefore enumerated shall apply to any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - D. None of the prohibitions hereinbefore enumerated shall apply to any operator of Agricultural equipment for farming purposes on or near an operating farm within the Township.
 - E. This Section shall not apply to any one that has obtained a permit pursuant to the Township's "Event Ordinance."

SECTION 3

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.

SECTION 4

VIOLATIONS AND ENFORCEMENT

- A. In order to regulate and prove violations occurring under Section 2 of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance. However, violations under Section 2 above but which have no decibel determination available shall nevertheless be deemed violations of this Ordinance.

i. *Regulations for decibel measurement of noise originating from private properties.* Noise radiating from all properties or buildings, as measured at the boundaries of that portion of the property under separate occupancy, which is in excess of 100 dB(A) shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is therefore in violation of this Ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

B. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

C. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

D. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 325.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- E. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Webber Township and by such other person or persons as the Township Board may designate.

SECTION 5

CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Section 3.12 A (6) of the Webber Township Zoning Ordinance is determined to be in conflict and is hereby repealed.

SECTION 6

EFFECTIVE DATE

This ordinance shall become effective 30 days after publication after adoption.

Carole Hill
Webber Township Clerk

NOTICE OF ADOPTION OF ORDINANCE

**Webber Township
Lake County, Michigan**

TO: The residents and property owners of the Webber Township, Lake County, Michigan and any other interested persons:

PLEASE TAKE NOTICE that at its regular meeting held on [REDACTED], 2018 the Township Board of the Township of Webber adopted Ordinance No. [REDACTED] regulating noise within the Township; prescribing sanctions for violation of the Ordinance and setting an effective date.

SUMMARY OF ORDINANCE NO. [REDACTED]

SECTION 1. TITLE. The Ordinance is titled “Anti-Noise Ordinance”.

SECTION 2. ANTI-NOISE REGULATIONS. This section regulates the creation and/or emission of certain noises within the Township and prohibits certain noises, such as the playing of musical instruments during the hours of 10:00 p.m. and 7:00 a.m.; the keeping of a dog or other animal that is allowed to bark repeatedly and other noises that are deemed annoying or become annoying to the general public and neighboring property owners. Agricultural noises and emergency vehicle noises are excluded.

SECTION 3. VALIDITY. The provisions of the Ordinance are severable from each other.

SECTION 4. VIOLATIONS AND ENFORCEMENT. Violation of the Ordinance is deemed a municipal civil infraction, subject to fines of up to \$500 and court orders requiring compliance with the Ordinance. Sets decibel limitations for violations.

SECTION 5. CONFLICTING ORDINANCES. Conflicting Ordinances are repealed.

SECTION 6. EFFECTIVE DATE. The Ordinance is effective 30 days after the date of publication of this summary.

The Ordinance has also been posted at the Clerk’s office. Copies can be obtained by contacting the Township Clerk at the address and telephone number below.

WEBBER TOWNSHIP
Carole Hill, Clerk
PO Box 939
Baldwin, MI 49304
(231) 745-3471

TOWNSHIP OF WEBBER
LAKE COUNTY, MICHIGAN

RESOLUTION # _____

ADOPTION OF TOWNSHIP ANTI-NOISE ORDINANCE

WHEREAS, the Webber Township Board is empowered by Public Act 246 of 1945 to adopt Ordinances governing the public health, safety, and welfare; and

WHEREAS the Webber Township Board after due consideration and having held a public hearing; has determined that adoption of an ordinance regulating noise within the Township will serve the public health, safety and welfare;

NOW, THEREFORE, IT IS HEREBY RESOLVED on motion of _____, supported by _____ to adopt the Sheridan Township Anti-Noise Ordinance as submitted to the Board on _____, 2018.

Upon roll call vote the following voted "aye":

The following voted "nay":

The Supervisor declared the motion carried and the resolution duly adopted.

Webber Township

By: _____
Carole Hill, Clerk