

FORSYTH TOWNSHIP, MARQUETTE COUNTY, MICHIGAN

NOISE ORDINANCE

Ordinance No. 3-2018

At a meeting of the Forsyth Township Board Township, Marquette County, Michigan, held at the Forsyth Township Hall on September 27, 2018, at 6:30 p.m., Board Member Supervisor Joseph Boogren, moved to adopt the following Ordinance, which motion was seconded by Board Member Trustee Neil Armatti:

An Ordinance to secure the public health, safety and general welfare of the citizens of Forsyth Township, Marquette County, Michigan, by the regulation and prohibition of certain noise within the Township, the exemption of certain noise from the Ordinance prohibitions, the designation of civil infractions and civil penalties for violations of the Ordinance, and the repeal and replacement of Forsyth Township Ordinance No. 1-10 and any other inconsistent ordinances.

FORSYTH TOWNSHIP, MARQUETTE COUNTY, MICHIGAN ORDAINS:

SECTION 1: PURPOSE. The intent of this Ordinance is to provide Forsyth Township with an enforceable noise ordinance that allows residents to enjoy their property free from noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities.

SECTION 2: TITLE. This Ordinance shall be known and may be cited as the Forsyth Township Noise Ordinance.

SECTION 3: GENERAL PROHIBITED NOISE

- A.** No person or entity shall cause or create any unreasonable noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping, in any office, hotel, motel, hospital, or residence.
- B.** The following noises are hereby declared to be a violation of this Ordinance, but shall not be deemed the exclusive noises that violate this Ordinance. Each noise that continues or is repeated in a 1/2-hour time frame may be considered a separate violation of this Ordinance, subject to additional prosecution and civil penalties.
 - 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, phonograph, media player, or musical instrument in such a manner that it is plainly audible on a property other than that from which the sound is being emitted, that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
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 other than that from which the sound is being emitted, that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
4. **ANIMALS** - the keeping of any animal, bird, or fowl that emits frequent, loud or extended noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
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 grating, grinding, rattling, exhaust, or other noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
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 that will effectively prevent loud noises resulting therefrom, that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.
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 an unreasonably loud noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping, 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, to create a noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.

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, to create a noise that would offend a reasonable person of normal sensitivities and disrupt the reasonable conduct of basic human activities, such as conversing or sleeping.

SECTION 4: EXEMPTIONS

A. None of the prohibitions of the previous Section 3 shall apply to or be enforced against the following activities and conduct:

- 1. EMERGENCY VEHICLES** - any police vehicle, ambulance, fire engine, or other emergency vehicle while engaged in normal and customary activities related to preserving the public health and safety.
- 2. WARNING SIGNALS** - noises emitted from warning devices for the purpose of notifying individuals or the public at large, as authorized by law.
- 3. ROAD CONSTRUCTION, SNOWPLOWING, AND UTILITY MANAGEMENT** -excavation or repair of streets, highways, bridges or any utility management or work done by or on the behalf of Forsyth Township, the County of Marquette, or the State of Michigan.
- 4. RAILROAD OPERATIONS** - all railroad operations meeting the maximum permissible noise levels permitted by law.
- 5. FIREARMS** - noise emanating from the discharge of firearms, provided that such discharge is done in a lawful manner as authorized under Michigan law or local ordinance.

B. The initial determination of whether any noise violates the prohibitions of this Ordinance shall be made by the Forsyth Township Police Department, subject to review by the Forsyth Township Board upon written application made by the alleged violator within 15 days after the initial determination by the Forsyth Township Police Department.

SECTION 5: VIOLATIONS. Any person or entity that violates any provision of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty. The civil penalty for a first violation is One Hundred Dollars (\$100.00); each successive subsequent violation after a first violation shall carry an additional One Hundred Dollar (\$100.00) fine respectively, up to a maximum of Five Hundred Dollars (\$500.00) per violation. Every day that a violation continues to exist shall constitute a separate violation. In addition to civil infractions and civil penalties, this Ordinance may be enforced by a civil action against an alleged violator for injunctive or other relief.

SECTION 6: SEVERABILITY. 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 the remainder of this Ordinance, which shall continue in full force and effect.

SECTION 7: REPEAL. Forsyth Township Ordinance No. 1-10, adopted March 31, 2010, shall be repealed and replaced by this Ordinance. In addition, any other ordinances that are inconsistent herewith are repealed and rescinded.

SECTION 8: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after notice of its adoption is published in a local newspaper.

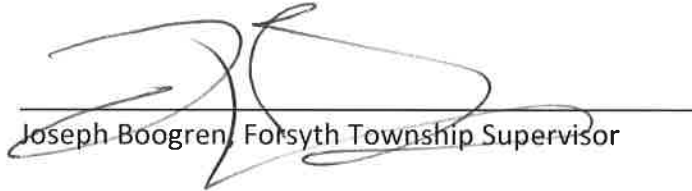
ROLL CALL VOTE:

YEAS: Treasurer Roberts, Supervisor Boogren, Trustee Adams, Trustee Armatti, Clerk Borrett

NAYS: None

ABSENT/ABSTAIN: None

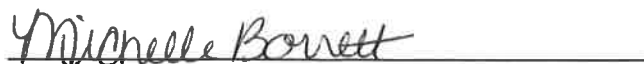
ORDINANCE DECLARED ADOPTED


Joseph Boogren, Forsyth Township Supervisor

CERTIFICATION

I, Michelle Borrett, Clerk of Forsyth Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 3-2018, adopted by the Forsyth Township Board on the 27th day of September, 2018. A summary of the Ordinance was duly published in the Mining Journal newspaper, a newspaper that circulates within Forsyth Township, on October 4, 2018. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.

Attested:


Michelle Borrett, Forsyth Township Clerk