

TOWNSHIP OF BURT

NOISE ORDINANCE

ORDINANCE NUMBER 013

An Ordinance to prohibit the making, creation or maintenance of any excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual and unnatural in their time, place, use and effect, and/or are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Township of Burt.

The Township of Burt ordains:

Section 1. **UNLAWFUL NOISE PROHIBITED.** It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any excessive, unnecessary, unnatural, or unusually loud noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Township. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusively, namely:

1. **HORNS AND SIGNAL DEVICES.** The sounding of any horn or signal device of any automobile, bus, train, watercraft, or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time;
2. **RADIO, PHONOGRAPH, MUSICAL, INSTRUMENTS.** The playing or use of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, motel, hotel, hospital, or other type of residence, or of any persons in the neighborhood or community. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to

be plainly audible on a property, in a dwelling unit other than that in which it is located, or at a distance of fifty (50) feet from the building, structure, or vehicle from which the sound complained of emanates between the hours of 12:00 Midnight and 7:00 o'clock A.M. shall be prima facie evidence of a violation of this section;

3. SHOUTING AND WHISTLING. Yelling, shouting, hooting, whistling, singing, or other loud noises on the public streets, between the hours of 11:00 o'clock P.M. and 7:00 o'clock A.M., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwellings, motel, hotel, hospital, or other type of residence, or in any office, school, church or court, or of any persons in the neighborhood or vicinity;
4. HAWKING. The hawking of any goods, merchandise, or newspapers in a loud or boisterous manner;
5. ANIMAL AND BIRD NOISES. The keeping of any animal or bird which by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the neighborhood or community;
6. WHISTLE OR SIREN. The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire, or danger;
7. ENGINE EXHAUST. The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom;
8. CONSTRUCTION NOISES. The erection, including excavation therefore, demolition, alteration, or repair of any building, and the excavation of streets and highways on Sundays, and other days, except between the hours of 7:00 o'clock A.M. and 8:00 P.M., except in case of urgent necessity in the interest of public health and safety and permit therefore has first been obtained from the Township Office.

9. HANDLING MERCHANDISE. The creation of any loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers;
10. DEVICES TO ATTRACT ATTENTION. The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.

Section 2. EXCEPTIONS. None of the terms or prohibitions of the previous section shall apply or be in force against:

1. Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business;
2. Highway and utility maintenance and construction. Necessary excavation in or repairs or maintenance of bridges, streets, highways, including snow removal, or any public utility installation by or on behalf of the Township, or any public utility or any agency of the State, of Michigan, during the night or on Sunday, when the public safety, welfare, and convenience necessitates the performance of the work at such times;
3. Public addresses. The reasonable use of stationary amplifiers or loudspeakers for public addresses which are noncommercial in character;
4. Sacred Music. The use of sound amplifiers or other devices by churches or other organizations approved by the Township board.
5. Community sanctioned events such as July 4th fireworks, Music/Arts Festival, sporting events and /or other events of this nature sanctioned by the Township. Requests for sanctioned events should be addressed to the board in writing at least 45 days prior to the event, to allow approval at a regularly scheduled board meeting.

Section 3. Penalty-civil Infraction. A person responsible for activity that violates the Section 1 shall be guilty of a civil infraction. If the person responsible for an activity which violates Section 1 cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. A person found responsible under this section for a violation of this section shall be guilty of a civil fine according to the following schedule: **First offense \$50.00; Second offense \$150.00; Third offense \$200.00.**

Section 4. This Ordinance shall be in full force and effect from its effective date the 7th day of December, 1990.

Section 5. Notice to be published. The Township Clerk shall publish this Ordinance in the manner required by law.

Section 6. When effective. This Ordinance shall be in full force and effect in this governmental unit Thirty (30) days after the date of publication.

Adopted: 7th day of November, 1990.

Revised: 10th day of August, 2015.

Lori McShane, Burt Township Clerk