

TOWNSHIP OF LINCOLN
COUNTY OF MIDLAND, STATE OF MICHIGAN

ORDINANCE NO. 2

NOISE ORDINANCE

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of the Township of Lincoln, Midland County, Michigan by the regulation of noise within said Township; and to prescribe the penalties for the violation thereof.

**THE TOWNSHIP OF LINCOLN, MIDLAND COUNTY, MICHIGAN,
PURSUANT TO THE AUTHORITY VESTED IN IT BY ACT 12 OF THE
PUBLIC ACTS OF THE STATE OF MICHIGAN FOR 1929, AS AMENDED,
ORDAINS:**

SECTION I. GENERAL PROHIBITION.

No person, firm or corporation shall cause or maintain any unreasonably loud noise or disturbance which is injurious to, or which significantly interferes with, the public health, safety, welfare, peace, comfort, convenience or other public interest of the residents and property owners of the Township. Any such noise or disturbance is hereby declared a public nuisance.

SECTION II. SPECIFIC VIOLATIONS.

The following noises and disturbances, when unreasonable in time, manner or volume and injurious to, or significantly interfering with, the public health, safety, welfare, peace, comfort, convenience or other public interest, are declared to be a violation of this Ordinance:

- 1.1. Unreasonable yelling, shouting, singing or use of any radio, phonograph, television or other electronic or mechanical sound-producing device, including any musical instrument.
- 1.2. Unreasonable emission or creation of any excessive noise which interferes with operation of any school, church or hospital.
- 1.3. The keeping of any animal, bird or fowl, including but not limited to a barking dog, which emanates unreasonable frequent or extended noise.

- 1.4. The operation of any automobile, motorcycle or other vehicle that causes unreasonable noise, including but not limited to noise resulting from exhaust. The modification 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.
- 1.5. The sounding of any horn or other device on any motor vehicle unless reasonable under the circumstances or necessary to operate said vehicle safely or as required by Michigan Law.
- 1.6. The unreasonable use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose.
- 1.7. The operation of any machinery, equipment or mechanical device so as to emit unreasonable loud noise.
- 1.8. The operation of any race track, 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 where the noise emanating therefrom would be unreasonably injurious to, or an unreasonable interference with, the public health, safety or welfare. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 P.M. on any evening.

SECTION III. ALLOWED EXCEPTIONS.

None of the prohibitions hereinbefore describe shall apply to the following:

- 1.1. Reasonable excavation, construction, alteration or demolition activities between the hours of 7:00 A.M. and 9:00 P.M., or any reasonable time when such activity is urgently necessary in the interest of the public health, safety or welfare.
- 1.2. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency activities.
- 1.3. Warning devices emitting sound for warning purposes as authorized by law.
- 1.4. Normal sounds emanating from farm equipment in good working condition being operated lawfully and in a reasonable manner.

SECTION IV. NOISE PERMIT.

The Township Supervisor, upon request, may issue a permit allowing otherwise prohibited noise of a nature, under circumstances and for a time period as described in the permit. In determining whether to grant any such permit. The Township Supervisor shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, The Township Supervisor shall have the right to impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on the surrounding area. Each such permit must be in writing and shall be for a time period not longer than 24 hours.

SECTION V. SEVERABILITY.

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

SECTION VI. PENALTY.

The penalty for any person, firm or corporation violating this Ordinance shall be a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not more than thirty (30) days, or both fine and imprisonment, in the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

SECTION VII. INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency.

SECTION VII. EFFECTIVE DATE.

This Ordinance shall be effective thirty (30) days after publication. Adopted by the Township Board of the Township of Lincoln this _____ day of _____, 1986.

Date of Publication: _____

Effective Date: _____

Attest: _____
Township Supervisor

Township Clerk

A copy of this Ordinance may be inspected or purchased at the office of the Township Clerk, 1276 Price Road, R#3, Midland, MI 48642-9440