RICHMOND TOWNSHIP NOISE AND PUBLIC NUISANCE ORDINANCE

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

THE TOWNSHIP OF RICHMOND, MARQUETTE COUNTY, MICHIGAN ORDAINS:

Section 1: Title
This ordinance shall be known and cited as the Richmond Township Noise and Public Nuisance Ordinance.

Section 2: Noise Regulations

A. General regulation. It shall be unlawful for any person to make or continue, or cause to be made or continued, any excessive, or unnecessary 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 limits of the Township. A person who violates this section is responsible for a civil infraction as detailed in Section 5 below.

B. Specific violations. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

1. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the Township, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound, and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.

2. *Radios, phonographs, etc.* The playing, using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, machine or device, particularly between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a

distance of 50 feet from the building, structure or vehicle in which it is located, or which is plainly audible in a dwelling other than that in which it is located shall be prime facie evidence of a violation of this section.

3. *Loudspeakers, amplifiers for advertising.* The playing, using or operating, or permitting to be played, used, or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

4. *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets particularly between the hours of 11:00 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 persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity where such noise is plainly audible at a distance of 50 feet from its point of origin shall be prima facie evidence of violation of this section.

5. *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

6. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

7. *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

8. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

9. *Construction or repairing of buildings.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. and then only with a permit from the Township board, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Township board should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and

highways or that inconvenience would result to any party in interest, they may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of this work.

10. *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings for such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

11. *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

12. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention.

13. *Metal rails, pillars, and columns; transportation thereof.* The transportation of rails, pillars, columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or public places.

14. *Piledrivers, hammers, etc.* The operation between the hours of 10:00 p.m. and 7:00 a.m. any piledriver, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

15. *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

C. Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Richmond Township, or the County of Marquette, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

3. Warning devices emitting sound for warning purposes as authorized by law.

Section 3: Public Nuisance Regulations
No person, firm or corporation shall create, cause or maintain any public nuisance with the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

Section 4: Validity
The several provisions of this ordinance are declared to be separate, if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

Section 5: Penalties
Any person who violates the provisions of this Ordinance shall be deemed to be responsible for a civil infraction and shall be subject to a civil penalty of not more than five hundred dollars (500.00) for each infraction. Each day that a violation continues to exist shall constitute a separate infraction. Such penalties shall not preclude any other civil action against the violator for injunctive or other relief.

Section 6: Enforcement
The Ordinance may be enforced by the Supervisor of the Township, by the Ordinance enforcements officers of the Township of Richmond, or by any other persons as the Township Board may, by resolution from time to time, designate.

Section 7: Effective date
This Ordinance shall become effective upon publication.

The Mining Journal

Upper Michigan's Largest Daily Newspaper

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AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

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AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Richmond Township
Noise & Public Nuisance Ordinance

Cost: $52.20

State of **MICHIGAN,** County of Marquette ss.

JAMES A. REEVS

being duly sworn, says that he is

PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

October 17, 2013

JAMES A. REEVS

Subscribed and sworn to before me this 17th day of October, 2013.

AMY L. BOND
Notary Public for Marquette County, Michigan
Acting in the County of Marquette
My commission expires: July 3, 2019

RICHMOND TOWNSHIP NOISE & PUBLIC NUISANCE ORDINANCE

SECTION 1: TITLE
Richmond Township Noise and Public Nuisance Ordinance

SECTION 2: NOISE REGULATIONS
A person shall be responsible for a civil infraction for causing unusually loud noises which disturbs the comfort of others within the Township. Unnecessary noises are listed by way of example. Exceptions are then for listed for public service and emergency matters.

SECTION 3: PUBLIC NUISANCE REGULATIONS
All entities are forbidden to create public nuisances by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to others nearby.

SECTION 4: VALIDITY
The separate sections of this Ordinance will continue to be valid if one or more other sections are invalidated.

SECTION 5: PENALTIES
Violation of the provisions shall be a civil infraction with a fine of up to $500.00, and additional remedies may be sought against violators. Each day of violation shall constitute a separate infraction. This Ordinance may be enforced by the Supervisor or any other person designated by the Board.

SECTION 6: EFFECTIVE DATE
This Ordinance shall become effective upon publication.

1 Time
10-17-2013