

Riley Township
Notice of Adoption
Noise Ordinance
#55-13

Notice is hereby given that Ordinance #55-13 was adopted by the Riley Township Board at a meeting held on December 3, 2013. On that day a motion was made by Al Titus and supported by Dawn Sawicki-Franz, to adopt this ordinance, motion carried.

This ordinance shall be known and cited as the "The Riley Township Anti-Noise and Public Nuisance Ordinance".

Whereas, excessive noise is a serious hazard to the public health and welfare, peace, safety and the quality of life. People have a right to and should be ensured an environment free from excessive sound.

Said Ordinance includes the following sections:

Section 1, Title; Section 2, Definitions; Section 3, Noise Disturbance Prohibited; Section 4, Exemptions; Section 5, Enforcement; Section 6, Penalties; Section 7, Remedies not Exclusive; Section 8, Separability of Provisions; Article 9, Effective Date; Article 10, Adoption.

Effective date of this Ordinance is thirty days after publication of notice of adoption.

A copy of the Riley Township Anti-Noise and Public Nuisance Ordinance, being identified as Township Ordinance #55-13, may be purchased or inspected during regular business hours at the Riley Township Hall, 13042 Belle River Road, Riley Township, MI 48041; telephone number (810) 392-2326.

CERTIFICATION BY THE CLERK

I hereby certify that the foregoing Ordinance #55-13 of the Township of Riley was duly adopted by the Riley Township Board at a regular meeting held on December 3, 2013.

Published: December 18, 2013

Susan Chmielewski,
Township Clerk

AN ORDINANCE TO CONTROL NOISE WITHIN RILEY TOWNSHIP

WHEREAS, excessive noise is a serious hazard to the public health and welfare, peace, safety, and the quality of life;

WHEREAS, people have a right to and should be ensured an environment free from excessive sound; and

NOW, THEREFORE, BE IT ORDAINED by the Riley Township Board, Riley Michigan, as follows:

ARTICLE 1. SHORT TITLE

This ordinance shall be known and cited as the

“The Riley Township Anti-Noise and Public Nuisance Ordinance”

ARTICLE 2. DEFINITIONS

For purposes of this ordinance the following words or terms shall have the meanings set forth in this Article. All terminology not defined in this Article shall have the meaning ascribed in applicable publications of the American National Standards Institute (ANSI) or its successor body.

2.01 Construction.

Any site preparation, excavation, grading, assembly, erection, paving, substantial repair, alteration or similar action, but excluding demolition, for or of any structures, utilities, public or private rights of way or other property.

2.02 Demolition.

Any dismantling, intentional destruction or removal of structures, utilities, public or private rights of way or other property.

2.03 Motor Vehicle.

Any vehicle (except an interstate commercial carrier) which is propelled or drawn on land by a engine, such as, but not limited to, passenger cars, trucks, truck trailers, semi-trailers, campers, tractors, motorcycles, motor scooters, minibikes, go-carts, mopeds, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

2.04 Loud and Excessive Noise.

Any sound which is unreasonably and/or unnecessarily loud, excessive, injurious and or detrimental to the health, peace, quiet, comfort, repose, safety, and/or general welfare of the residents of Riley Township. Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological physiological effect on humans.

2.05 Noise Disturbance.

Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs the comfort or repose of a reasonable person of normal sensitivities.

2.06 Noise Sensitive Zone.

Any property devoted to one or more of the following uses:

School, church, library open to the public, hospital, nursing home, professional practice, or public or private offices.

2.07 Person.

Any individual, association, partnership or corporation, and any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State or Federal agency not associated with national defense.

2.08 Real Property Boundary.

Any imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that, owned by another person, but not including intra-building real property divisions.

2.09 Hours.

The hours referred to in this ordinance are those based upon local time applicable in Riley Township, St. Clair County, Michigan.

ARTICLE 3. NOISE DISTURBANCES PROHIBITED

3.01 General Prohibition.

No person, firm, company, limited liability company, corporation and/or other entity shall cause, create, and or maintain any unreasonable and/or unnecessarily loud noise and/or disturbance detrimental to the health, peace, quiet, comfort, repose, safety, and/or general welfare of the

residents and/or property owners of/in Riley Township, nor shall any of the above named entities within Riley Township unreasonably make, continue, or cause to be made or continued, any noise disturbance across a residential real property boundary or within a noise sensitive zone. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court is prohibited.

3.02 Specific Noise Prohibitions.

Without in any way limiting or affecting the provisions of Section 3.01, the following acts, and the causing thereof, are specifically declared to be in violation of this ordinance:

a. Noises Associated with Motor Vehicles.

(1) **Horns.** The sounding of any horn or warning device on any motor vehicle except when required by law, or when necessary to give timely warnings of the approach of the motor vehicle or as a warning of impending danger to persons driving other motor vehicles or to persons upon a street. The sounding of any horn or warning device on any motor vehicle which emits an unreasonably loud or harsh sound. The sounding of any horn or warning device on any motor vehicle for any unnecessary or unreasonable period of time.

(2) **Commercial Transport.** The making of excessive, unnecessary and avoidable noises in the operation of any commercial vehicle.

(3) **Motor Vehicles.** The operation of any automobile, motorcycle, off road vehicle, all terrain vehicle (ATV), dirt bike, motor sport or moto cross vehicle, super cross or snow cross vehicle, snowmobile, and/or any other vehicle so designed, modified, altered, out of repair, and/or so loaded and/or constructed and/or operated in a manner as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise, including noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort, peace and/or repose of other persons.

(4) **Miscellaneous Night Noises.** The warming up or idling of any motor vehicle, and the unnecessary and repeated idling, acceleration and deceleration or starting and stopping of any motor vehicle, between the hours of 11:00 p.m. and 6:00 a.m. the following day, prevailing time.

b. Noises Associated with Commercial Construction or Demolition Work. The carrying on of any construction or demolition work at any time on Sundays, or at any time other than between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, on Saturdays, or between the hours of 7:00 a.m. and 6:00 p.m., prevailing time, on any other days.

The provisions of this subsection shall not apply to interior or exterior repairs or interior alterations when the work is actually performed entirely by a homeowner or occupant between the hours of 8:00 a.m. and 10:00 p.m., prevailing time, provided that the work is done without creating any noise disturbance across a residential real property boundary.

The provisions of this subsection shall not apply to specific construction work in case of an emergency declared by the Township Engineer or Township Supervisor as to a public works

project or in case of an emergency declared by the Township as to a private project, provided that any such declaration is based upon a finding that the public health and safety will be impaired unless specific work is performed during the times prohibited by this subsection.

c. Noises Associated with Domestic Power Tools. Operating any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device outdoors in residential areas at any time other than between the hours of 8:00 a.m. and 10:00 p.m. prevailing time, on Saturdays and Sundays, or between the hours of 6:00 a.m. and 10:00 p.m., prevailing time, on any other days.

d. Noises Associated Motors, Engines, Fans and Pumps. Operating any motors, engines, fans, blowers or pumps, including by way of example but not limitation, air conditioning systems, compression devices and pool filtering systems, which create a noise disturbance across a residential real property boundary or within a noise sensitive zone. Exception is made for emergency power generators during periods of power interruption from public utilities.

e. Amplifiers, Loudspeakers, Radios, Television Sets, Musical Instruments and Similar Devices. Using or operating, either indoors, outdoors, or in any vehicle, any amplifier, loudspeaker, radio receiving set, television set, musical instrument, phonograph, tape recorder, compact disc, or other equipment or device for the producing, reproducing or amplification of sound at any time with a volume louder than is necessary for the convenient hearing of persons who are in the room, immediate vicinity, or vehicle where such equipment or device is operated and who are voluntary listeners thereto. The use or operation of any such equipment or device between the hours of 11:00 p.m. and 8:00 a.m. the following day, prevailing time, in such a manner as to be plainly audible (1) at a distance of 100 feet from the building or vehicle in which it is located or (2) through a dwelling unit partition wall of a multi-family structure shall be prima facie evidence of a violation of this subsection.

None of the equipment, instruments or devices hereinabove mentioned shall be used outdoors at any time in a manner that will create any noise disturbance across a residential real property boundary unless such operation is in connection with a public or other special event authorized by the governing body of the Township and such operation and use is in accordance with the specific terms and conditions set forth in the authorization.

f. Animal and Bird Sounds. Owning, keeping, possessing or harboring any dog or other animal or bird which frequently or for continued periods barks, howls, cries or squawks when such sounds is plainly audible beyond the limits of the property upon which the animal or bird is kept.

g. Weapons. The discharge of any firearm between dusk and dawn except for legal hunting purchase.

h. Sounds by Humans. Yelling, shouting, hooting, whistling or singing on the public streets or within residential areas or noise sensitive zones between dusk and dawn.

ARTICLE 4. EXEMPTIONS.

The provisions of this ordinance shall not apply to any of the following:

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (b) Church bells or chimes.
- (c) Celebrations and parades scheduled by a governmental entity.
- (d) Excavation or repair of bridges, streets, highways, or other property on the behalf of the State of Michigan, Riley Township or the County of St Clair, between sundown and 7:00 a.m. when the public welfare, safety, or health and/or convenience render it impossible to perform such work during other hours.
- (e) Any agricultural uses, operations, and/or activities which are protected under the Michigan Right to Farm Act, P.A. 1981, No. 93, as amended, being MCLA 286.471, *et seq*, and other laws and ordinances; any agricultural tractors, implements, vehicles, and/or equipment is/are excluded, while they are engaged, used, operated, and or employed in normal agricultural activities, including but not limited to, farming, planting, cultivation, irrigation, harvesting, processing, transporting, loading, unloading, and/or growing or growing of crops, and/or raising, feeding and maintaining of cattle, poultry, stock and /or farm related animals.
- (f) Noises occurring between 7:00 dusk and dawn caused by maintenance of grounds, provided such noise is not unduly excessive.
- (g) Noises emanating from the discharge of firearms are excluded in areas, and during times, such as legally permitted hunting, areas of authorized use and/or where the use and discharge of firearms is/are permitted and/or authorized under Michigan Law.
- (h) Any activity exempt from the provisions of local control by State or Federal law.

ARTICLE 5. ENFORCEMENT.

The provisions of this ordinance are enforceable by representatives of the Riley Township Board and by members of Police Department operating within the County of St. Clair and the State of Michigan.

ARTICLE 6. PENALTIES.

1st Offense: Verbal warning.

2nd Offense: A Letter notifying that second complaint has been received within 48 hours of the first complaint.

3rd Offense: A \$100 ticket will be issued for a third complaint received within 48 hours of the second complaint.

Additional Offenses: A \$250.00 ticket, followed by a \$400.00 ticket, finally a \$500.00 ticket, with the checks made payable to the St. Clair County Court.

The person(s) putting in the complaint must be willing to be present in court to verify the complaint and testify against the person who they have made the complaint against.

ARTICLE 7. REMEDIES NOT EXCLUSIVE.

The provisions of this ordinance are not intended to be exclusive or to supersede any other remedies provided by law or ordinance.

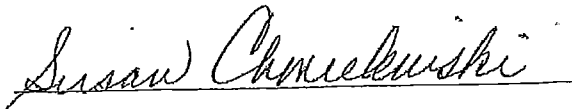
ARTICLE 8. SEPARABILITY OF PROVISIONS

If any clause, sentence, paragraph, section or article of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but such judgment shall apply only to the provision involved directly in the controversy in which such judgment was rendered.

ARTICLE 9. EFFECTIVE DATE: This Ordinance goes into effect 30 days after publication.

Article 10. ADOPTION

This Riley Township Anti-Noise and Public Nuisance Ordinance, being identified herein as Township Ordinance 55-13, was duly adopted by the Riley Township Board at its regular meeting thereof held on Dec. 3, 2013.



Susan Chmielewski, Township Clerk

Township of Riley

CERTIFICATION BY CLERK

I HEREBY CERTIFY THAT THE FOREGOING Anti-Noise and Public Nuisance Ordinance of the Township of Riley, being designated herein as Township Ordinance 55-13, was duly adopted by the Riley Township Board at a regular meeting thereof held on the Dec. 3, 2013, and was ordered published by the Riley Township Board.

Susan Chmielewski

Susan Chmielewski, Township Clerk

Township of Riley

Published in The Voice

Publication Date: Dec. 18, 2013

A copy of the Riley Township Anti-Noise and Public Nuisance Ordinance, being identified as Township Ordinance 55-13, may be purchased or inspected during regular business hours at the Riley Township Hall, 13042 Belle River Road, Riley Township, MI 48041; telephone number (810)392-2326.