

The Township of Lovells, Crawford County, Michigan
Ordinance Number 6/11 of 2013

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the creation of noise and disturbances within Lovells Township or the creation or maintenance of any public nuisance within Lovells Township.

THE TOWNSHIP OF LOVELLS, COUNTY OF CRAWFORD, MI ORDAINS:

Section 1. Title This ordinance shall be known and cited as "The Lovells Township Anti- Noise and Public Nuisance Ordinance".

Section 2.A Purpose No person, firm or corporation shall cause any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of Lovells Township.

Section 2.B Intent The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle or watercraft for any purpose other than to avoid an accident or collision.
2. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
3. Yelling, shouting, hooting or singing on the public streets between the hours of midnight and 8:00 AM, or at any time or place so as to annoy or disturb the quiet, comfort or repose of other persons.
4. The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort or repose of any person in the vicinity.
5. The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noises disturbing to the quiet, comfort or repose of other persons.
6. The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefore from the Township Board.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting there from.
8. The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 AM and sundown on weekdays except in the case of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the Crawford County

Building Inspector or the Township Zoning Administrator, as applicable, and such permit shall limit the period that the activity may continue. 9. The emission or creation of any excessive noise on any street that unreasonably interferes with the operation of a school, church, hospital or court.

10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale, or display of merchandise which, by creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

11. The operation of any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township not specifically zoned for such an operation and/or where the noise emanating there from would be unreasonably disturbing and annoying to other persons in the vicinity.

12. The ignition, discharge, and use of consumer fireworks will be allowed only within the Michigan Fireworks Safety Act, Public Act 256 Of 2011, MCL28.451, et seq. The days allowed will be the Holidays the State of Michigan allows including the day before and the day after, but they are not allowed between the hours of 1:00 AM and 8:00 AM on those days. In addition, all other days will be allowed except for the period midnight to 8:00 AM. Consumer fireworks are also prohibited during "burning bans" and "high fire danger" periods as posted by the Michigan DNR. All shrapnel or other materials created from the use of consumer fireworks, other than on your own property, will be considered litter if not properly discarded and give cause to issue a ticket for littering.

Section 2.C Exemptions None of the prohibitions hereinbefore enumerated shall apply to any of 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 by or on behalf of Lovells Township, the State of Michigan, or the County of Crawford between the hours of 6:00 PM and 7:00 AM when the public welfare, safety and convenience render it impossible to perform such work during other hours.

Section 2.D Determination The determination of whether any noise or disturbance is a violation of the provisions of this ordinance shall be the absolute discretion of local law enforcement.

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

Section 3.B Determination The determination of whether any activity enumerated in Section 3 is a public nuisance and a violation of this ordinance shall be in the absolute

discretion of local law enforcement.

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

Section 5. Penalties Any person, firm, or corporation found violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed **\$100.00** or by **imprisonment not to exceed 30 days, or by both such fine and imprisonment, at the discretion of the court.** Each day that a violation shall continue shall constitute a separate offense. The provisions of this ordinance may also be enforced by suit or injunction, damages or other appropriate legal action.

Section 6. Effective Date This ordinance shall take effect after adoption and 30 days after publication. All Lovells Township ordinances or parts of ordinances that are in conflict herewith are hereby repealed.

CERTIFICATION

The above Ordinance was offered for adoption on June 11, 2013 by Lovells Township Board Member Gary Neumann and was seconded by Lovells Township Board Member Cynthia Infante. In a roll call vote: Stimpson Nay, Duby Aye, Lovell Aye, Infante Aye, and Neumann Aye. Yeas: 4 Nays: 1 Absent/Abstain: 0

This Ordinance is therefore declared adopted.

Cynthia Infante
Lovells Township Clerk