

TOWNSHIP OF MUNISING
NOISE ORDINANCE
ORDINANCE NUMBER 2021-1

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 Munising.

The Township of Munising, Alger County, Michigan ordains:

SECTION 1: UNLAWFUL NOISE PROHIBITED. It shall be unlawful, and it shall be deemed a Public Nuisance, for any person to create, assist in creating, permit, continue or permit the continuance of any excessive, unnecessary, un-natural or unusually loud noise or any noise which unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities. 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 exclusive:

- A. 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 in 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.

- B. RADIO, MUSIC OR MUSICAL INSTRUMENTS:** The playing or use of any radio, television, amplified or unamplified musical instruments, loud speakers, recording device or other electronic sound producing devices, in such a manner or with volume at any time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, business, hospital, or other occupied building, or of any such person, either inside or outside, in the neighborhood or vicinity. The operation of any such instrument, machine, or device in such a manner as to be plainly audible at a distance of fifty (50) feet or more from its point of origin between the hours of 11:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this subsection. The playing, use, or operation of any such instrument, machine, or device at a decibel level that exceeds those set forth in subsection (1)(K) of this Ordinance shall also be prima facie evidence of a violation of this subsection.

- C. SHOUTING AND WHISTLING:** Yelling, shouting, hooting, whistling, singing or making any other unreasonably loud noises, in such a manner or with volume at any time or place between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place as to purposely annoy or disturb the quiet, comfort or repose of a reasonable person

of normal sensitivities in any office, dwelling, business, hospital or other occupied building, or of any person in the neighborhood or vicinity.

- D. HAWKING:** The hawking of any goods, merchandise, or newspapers in a loud or boisterous manner.
- E. ANIMAL AND BIRD NOISES:** The keeping of any animal or bird which by causing frequent or loud continued noises, shall unreasonably disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, business, hospital, or other occupied building, or of any person in the neighborhood or vicinity.
- F. 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.
- G. ENGINES:** Operating or permitting the operation of any engine, whether stationary or mobile, so as to unreasonably annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, business, hospital or occupied building. This does not prohibit the operation of lawn, garden, or household tools, snowblowers, or similar devices used outdoors nor shall it prohibit the operation of a state licensed motor vehicle in a manner expressly permitted by State law.
- H. CONSTRUCTION NOISES:** The erection, including excavation therefore, demolition, alteration or repair of any building and the excavation of streets and highways, except between the hours of 7 A.M. and 8 P.M. except in case of urgent necessity in the interest of public health and safety.
- I. 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.
- J. DEVICES TO ATTRACT ATTENTION:** The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.
- K. DECIBEL MEASUREMENT:** Creating, continuing, or permitting the creation or continuance of a noise greater than 50 decibels as measured on the "A" scale of a sound meter or measuring device between the hours of 11:00 p.m. and 7:00 a.m. in or abutting a zoning district in which residential uses are permitted under the Munising Township Zoning Ordinance; or a noise greater than 55 decibels as measured on the "A" scale of a sound meter or measuring device between the hours of 7:00 a.m. and 11:00 p.m. in or abutting a zoning district in which residential uses are permitted under the Munising Township Zoning Ordinance. All sound level measurements shall be taken from not nearer than the boundary of the property where the noise is emanating from.

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

- A. EMERGENCY VEHICLES:** Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business.
- B. HIGHWAY AND UTILITY MAINTENANCE AND CONSTRUCTION:** Necessary excavation 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 work at such times.
- C. PUBLIC ADDRESSES:** The reasonable use of stationary amplifiers or loudspeakers for public addresses which are noncommercial in character.
- D. MUSIC AT ORGANIZED EVENTS:** The use of sound amplifiers or other such devices by churches, synagogues, non-profit entities, or other organized event approved by the Township Board.
- E. PUBLIC EVENTS:** Organized public events operated under permission granted by the Munising Township Board prior to holding said event. The permission shall identify the particular event for which the permission shall be granted and state what time the event is to start and end.

SECTION 3: PENALTY-CIVIL INFRACTION. A person responsible for activity that violates 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 (within 1 year) \$100.00; third and subsequent offenses (within 1 year) \$200.00.

SECTION 4: NOTICE TO BE PUBLISHED. The Township Clerk shall publish this Ordinance in the manner required by law.

SECTION 5: WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit Thirty (30) days after the date of publication.

ADOPTED: 1st DAY OF February, 2021.

PATTY WILLSON, MUNISING TOWNSHIP CLERK