

# Au Train Township Noise Ordinance

An Ordinance to prohibit the making, creation or maintenance of any excessive, unnecessary, unnatural, or usually loud noises which are prolonged, unusual and unnatural in their time, place. Use and effect, and are a detriment to the public health, comfort, safety, welfare and prosperity of the resident of Au Train Township.

The Township of Au Train, Alger County, Michigan, ordains;

## **Section 1** **Unlawful Noise Prohibited**

It shall be unlawful for any person to create, assist in creating of any excessive, unnecessary, unnatural or unusually loud noise, or any noise which either disturbs, or injures the comfort, repose, health, or safety of others within the Township. The following acts, but not limited to, are declared to be loud, disturbing, injurious, and unnecessary and unlawful noises in violation of this section, but no all-inclusive, namely:

**a. Horns and Signal Devices.** The sounding of any horn or signal device of any automobile, motorcycle, bus, train, or other vehicle while not in motion, or, if in motion, only as a warning of intent to get into 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. Radios, Stereo Systems, Musical Instruments and/or Equipment.** The playing or use of any radio, stereo, television set, amplified or unamplified musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to unreasonably disturb the quiet, comfort, or repose of persons in any office or dwelling, or building or of any persons in the neighborhood or community. The operation of any such devices in such a manner as to be plainly audible on a property, in a dwelling unit other than that in which it is located, or at a distance of fifty (5) feet from such building as it is located, between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m., shall be prima facie evidence of a violation of this section;

**c. Shouting.** Yelling, shouting, singing, or the making of any other loud noises or boisterous behavior between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m., or the making of any such noise at any time or place so as to unreasonably disturb the peace or quiet, or repose of persons in any dwelling or other building or of any other persons in the neighborhood or community;

**d. Animal Noises.** The keeping of any animal or fowl which causes frequent or long periods of noise that unreasonably disturbs the peace and quiet, or the repose of persons, in the community: such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

**e. Construction Noise.** The erection, including excavation therefore, demolition, alteration, or repair of any building, and/or street/highways except between the hours of 7:00 o'clock a.m. and sunset, except in the case of urgent necessity in the interest of public health and safety;

**f. Device to Attract Attention.** The use of any drum loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any other purpose other than an emergency.

**g. Fireworks.** Pursuant to the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended by Public Act 635 of 2018, the ignition, discharge and use of consumer fireworks other than within those times and dates as designated in the Exceptions, contained in Section 2, subsection H of this Ordinance, hereinafter. The ignition, discharge, and use of consumer fireworks is also prohibited on public property, school property, church property, or the property of another with express written permission from the owner to use fireworks on those premises.

## **Section 2** **Exceptions**

- A. Emergency Vehicles. Any police or fire vehicle, or any ambulance, while engaged in emergency business.
- B. Highway and Utility Maintenance and Construction. Necessary excavation in or repairs or maintenance of bridges, streets or highways, including snow removal, or any public utility installation by or on behalf of the Township, or any public utility or agency of the State of Michigan, during the night or on weekends, when the public safety, welfare and convenience necessitates the performance of the work as such times;
- C. Public Address. The reasonable use of amplifiers or loudspeakers for public addresses which are noncommercial in nature;
- D. Sacred Music. The use of sound amplifiers or other such devices by churches, or other organizations approved by the Au Train Township Board. The approval by the Township Board shall identify the particular use for which approval has been granted;
- E. Public Events. Organized public or private events operated under permission granted by the Au Train Township Board prior to holding said event. The permission shall identify the particular event for which the approval was given and state the time the event is to end, when applicable.
- F. Noises emitted from warning devices for the purposes of notifying individuals or the public at large as authorized by law.
- G. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.
- H. A person shall not ignite, discharge, or use consumer fireworks at any time other than as listed below:
  - 1. December 31<sup>st</sup> from 11:00 am until 11:59 pm.
  - 2. January 1<sup>st</sup> from midnight until 1:00 am.
  - 3. The Saturday and Sunday immediately preceding Memorial Day from 11:00 am until 11:45 pm on each of those days.
  - 4. June 29<sup>th</sup> to July 4<sup>th</sup> from 11:00 am until 11:45 pm on each of those days.
  - 5. July 5<sup>th</sup>, if that date is a Friday or Saturday, from 11:00 am until 11:45 pm.
  - 6. The Saturday or Sunday immediately preceding Labor Day, from 11:00 am until 11:45 pm on each of those days.

**Section 3**  
**Enforcement and Penalties**

- A. This Ordinance shall be enforced by the Au Train Township Board or such persons who shall be designated by the Au Train Township Board.
  
- B. A person responsible for activity that violates Section 1 shall be guilty of a Civil Infraction. If the person responsible for any activity which violates Section 1 cannot be determined, the owner, lessee, or occupancy or operator of the property on which the activity is located shall be guilty of a Civil Infraction, as defined in revised Judicature Act of 1961 (Excerpt) of Act 236 of 1961, as amended, Section 113, MCL 600.113, punishable by civil fine according to the following schedule: First Offence, \$100.00; Second Offence within one year, \$250.00; Third and subsequent offences within one year, \$500.00. For purposes of computing the one year period, time shall run from the date of the first offence.

**Section 4**  
**Saving Clause**

Should any section, clause or provision of this ordinance be declared by any court to be invalid, the invalid provisions shall not affect the validity of the remaining portions of this ordinance or any part other than the part so declared to be invalid.

**Section 5**  
**Repealing Clause**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 6**  
**Effective Date**

This ordinance shall take effect on August 16, 2008, Thirty (30) days after the date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved by the Au Train Township Board at a Regular Board Meeting held on July 9, 2008.

Motion made for approval by: Clerk Rogers

Second: Supervisor Atherton

Ayes: Rogers, Atherton, Gramm, Clapp

Nays: None

Motion declared passed by the Au Train Township Supervisor.

By: mary frogers July 9, 2008  
Mary F Rogers, Au Train Township Clerk Date:

Appeared for publication on: Wednesday, July 16, 2008 In the Munising News.

As to Amendments:

Amendment #1

These amendments to the ordinance shall take effect on October 11, 2017, Fourteen (14) days after the date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved by the Au Train Township Board at a Regular Board Meeting held on September 11, 2017.

Motion made for approval by: Clerk Rogers

Second: Trustee Carr

Ayes: Rogers, Carr, Doucette, Clapp, Cota

Nays: None

Motion declared passed by the Au Train Township Supervisor.

By: Mary F Rogers

Mary F Rogers, Au Train Township Clerk

September 11, 2017

Date:

Appeared for publication on: Wednesday, September 27, 2017 In the Munising News.

Amendment #2

These amendments to the ordinance shall take effect on October 3, 2019, Fourteen (14) days after the date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved by the Au Train Township Board at a Regular Board Meeting held on September 9, 2019.

Motion made for approval by: Clerk Johnson

Second: Treasurer Cota

Ayes: Johnson, Cota, Miller, Doucette, Carr

Nays: None

Motion declared passed by the Au Train Township Supervisor.

By: Mary Walthers Johnson

Mary Johnson, Au Train Township Clerk

09/09/2019

Date:

Appeared for publication on: September 18, 2019 In the Munising News.