

**BACKUS TOWNSHIP
ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE
ORDINANCE NUMBER 9**

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

THE TOWNSHIP OF BACKUS, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Anti-Noise Regulations

- A. General regulation—no person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbances, injurious to the health, peace, or quiet of the residents and property owners of the township.
- B. Specific violations 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 playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
 - 2. Yelling, shouting, hooting or singing on the public roads and highways between the hours of 10 PM. and 7 AM. or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
 - 3. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
 - 4. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

5. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
6. 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. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
7. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between hours of 7 a.m. And sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the township, which permit shall limit the periods that the activity may continue.
8. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
9. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
10. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the public roads or highways of the township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.
11. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
12. The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township where the noise emanating there from would be unreasonably disturbing and upsetting to other person in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11 p.m. on any evening.

- 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, Backus Township, or the County of Roscommon, 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.
 4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.

Section 3: 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 4: Penalties

Any person, firm or corporation found violating the provisions of this ordinance shall, upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

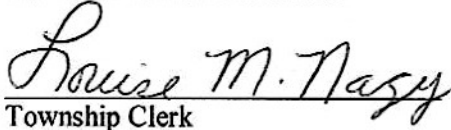
Section 5: Effective Date

This ordinance shall take effect immediately.

Adopted: August 05, 2002

This ordinance has been adopted by the Backus Township Board at a regular meeting scheduled by the Township Board on August 05, 2002 and will be published August 22, 2002 as Ordinance #9.

TOWNSHIP OF BACKUS


Township Clerk

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