

TOWNSHIP OF MASON
COUNTY OF CASS, STATE OF MICHIGAN
MASON TOWNSHIP ORDINANCE NO. 10-10-06-01

ANTI-NOISE ORDINANCE

Adopted: October 10, 2006

Effective: November 25, 2006

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Mason Township, Cass County, Michigan, by the regulation of noise within said township; to prescribe sanctions for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

MASON TOWNSHIP
CASS COUNTY, MICHIGAN
ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known and cited as the Mason Township Anti-Noise Ordinance.

SECTION 2

ANTI-NOISE REGULATIONS

- A. No person, firm, or corporation shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Mason.
- B. 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 for any purpose other than to avoid an accident or a collision.
- (2) The playing of any radio, phonograph, boom box, CD player or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons.
- (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.
- (4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and 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, rattling, exhausting, or other noise 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 so as to cause any 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 therefrom.
- (8) The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, in such manner as to emanate noise or disturbance unreasonably annoying to other persons, including the streets and highways therein, other than between the hours of 6:00 A.M. and sundown on week days except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the Building Inspector of the township which permit shall specify the period that the activity may continue.
- (9) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.

- (10) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity in connection with the loading or unloading of any vehicle, trailer, box car, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.
 - (11) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 - (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 not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.
- C. None of the prohibitions hereinbefore enumerated shall apply to any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

SECTION 3

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 4

VIOLATIONS AND ENFORCEMENT

- A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

| | Minimum Fine | Maximum Fine |
|-------------------------------|-----------------|-----------------|
| --- 1st offense | \$ 150.00 | --- |
| --- 2nd offense | \$ 325.00 | --- |
| --- 3rd or subsequent offense | \$ 500.00 | --- |

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- D. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Mason Township, by any Cass County Sheriff's Deputy and by such other person or persons as the Township Board may designate.

SECTION 5

CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6

EFFECTIVE DATE

This ordinance shall become effective 30 days after publication after adoption.

Linda Gibbs,
Mason Township Clerk