

35.200

**ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE
TOWNSHIP OF SOUTH HAVEN, MICHIGAN**
ord. no. 29 eff. April 8, 1992

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of South Haven Charter Township, Van Buren County, Michigan, by the regulation of noise, odors and the production of dust within said Township, to prescribe penalties for the violation thereof and to repeal all Ordinances or parts of Ordinances in conflict therewith.

SOUTH HAVEN CHARTER TOWNSHIP, VAN BUREN COUNTY, MICHIGAN, ORDAINS:

35.210

ARTICLE I TITLE

35.211

Sec. 1.01. **TITLE.**

This Ordinance shall be known and cited as the South Haven Charter Township Anti-Noise and Public Nuisance Ordinance. (ord. no. 29 eff. April 8, 1992)

35.220

ARTICLE II ANTI-NOISE PROVISIONS

35.221

Sec. 2.01. **ANTI-NOISE REGULATIONS.**

1. 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 South Haven Charter Township.
2. 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 the Ordinance not specifically enumerated:
 - a) 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 collision;
 - b) The playing of any radio, phonograph or any musical instrument in such a manner or with such violence as to annoy or disturb the quiet, comfort or repose of other persons;
 - c) 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;

d) 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;

e) 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 noise disturbing to the quiet, comfort or repose of other persons;

f) 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 therefor from the Township Board;

g) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other similar device, which will effectively prevent loud or explosive noises resulting therefrom;

h) The erection, excavation, demolition, alteration, 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 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 therefor from the Building Inspector of the Township, which permit shall limit the period that the activity may continue.

i) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.

j) 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;

k) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention

35.231

tion 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.

3. None of the prohibitions hereinbefore enumerated shall apply to any of the following:

- a) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities;
- b) Excavation or repair of bridges, streets or highways by or on behalf of South Haven Charter Township, State of Michigan, County of Van Buren between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

4. The determination of whether any noise or disturbance is a violation of the provisions of this Ordinance shall be in the absolute discretion of the Supervisor of the Township, or his agent, subject only to review of the South Haven Charter Township Board upon proper application therefor, made by the alleged violator, within seven (7) days after such determination by the Supervisor or his agent. In the case of an appeal, the Township Board will conduct a hearing at its next regular meeting.
(ord. no. 29 eff. April 8, 1992)

35.230

ARTICLE III PUBLIC NUISANCE PROVISIONS

35.231 Sec. 3.01. PUBLIC NUISANCE PROVISIONS.

- 1. No person, firm, or corporation shall create, cause or maintain any public nuisance within South Haven Charter Township by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.
- 2. The determination of whether any activity enumerated in Section 3.01, 1. above is a public nuisance and a violation of this Ordinance shall be in the absolute discretion of the Supervisor of the Township or his agent subject only to review by the South Haven Charter Township Board, upon proper application therefor made by the alleged violator, within seven (7) days after such determination by the Supervisor or his agent. In the case of an appeal the Town-

35.231

ship Board shall conduct a hearing at its next regular meeting.
(ord. no. 29 eff. April 8, 1992)

35.240

ARTICLE IV GENERAL PROVISIONS

35.241

Sec. 4.01. SEPARABILITY.

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 or any other section or portion.
(ord. no. 29 eff. April 8, 1992)

35.242

Sec. 4.02. PENALTIES FOR VIOLATION.

Any person, firm, or corporation found violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) 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 for injunction, damages, or other appropriate legal action.
(ord. no. 29 eff. April 8, 1992)

35.250

ARTICLE V EFFECTIVE DATE

35.251

Sec. 5.01. EFFECTIVE DATE.

This Ordinance shall take effect on the publication date, after adoption by the Charter Township of South Haven. This Ordinance shall not be deemed to alter, change, or amend any existing Ordinance of South Haven Charter Township except insofar as it may place more restrictive standards than those set forth in other Ordinances and to the extent that other Ordinances are more restrictive, such more restrictive Ordinances shall control.
(ord. no. 29 eff. April 8, 1992)