

TOWNSHIP OF SALEM  
COUNTY OF ALLEGAN, STATE OF MICHIGAN

**ORDINANCE NO. 5-10-2022 (B)**

**NOISE ORDINANCE**

Adopted: 5-10-22

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

An Ordinance adopted pursuant to 1941 Public Act 359, as amended, and 1945 Public Act 246, as amended, to secure the health, safety and welfare of the people of the Township; and to protect neighboring properties from nuisance, by the control, regulation, and prohibition of certain sound levels; to establish remedies, provide for the enforcement, and fix sanctions for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF SALEM  
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

**SECTION 1. - DEFINITIONS.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Daytime hours* means the hours between 7:00 a.m. and 10:00 p.m., local time.

*Nighttime hours* means the hours between 10:00 p.m. and 7:00 a.m., local time.

*Loud noise* means sounds that can be heard at a distance greater than 25 feet during the nighttime hours or greater than 50 feet during the daytime hours.

**SECTION 2. - ANTI-NOISE REGULATIONS.**

(a) *General regulation.* No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, 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 article; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this article 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 streets between the hours of 10:00 p.m. and 7:00 a.m., 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 emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.

(4) 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.

(5) 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 a violation of this section.

(6) The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the state motor vehicle code.

(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. 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 increase above that emitted by such vehicle as originally manufactured, shall be a violation of this section.

(8) 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 the hours of 7:00 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.

(9) 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.

(10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

(11) The operation of any loudspeaker or other sound-amplifying device upon any vehicle on the streets of the township with the purpose of advertising, where such vehicle, speaker or sound-amplifying device emits loud and raucous noises unreasonably disturbing to nearby residential property.

(12) 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.

(13) The operation of any race track, 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 therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 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, township, or the county, between sundown and 7:00 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) Any agricultural equipment while engaged in normal agricultural activities including but not limited to planting, cultivation, irrigation and harvesting of crops. No portion of

this article shall be construed to conflict with right-to-farm activities as authorized under state statutes.

(5) Noises occurring between 7:00 a.m. and sundown caused by construction, repairs, or demolition as long as a valid building permit has been issued by the township and is currently in effect, and provided such noise is not unduly excessive.

(6) Noises occurring between 7:00 a.m. and sundown caused by maintenance of grounds, provided such noise is not unduly excessive.

(7) Noises emanating from the discharge of firearms are excluded, providing the discharge of firearms was authorized under state law and all local ordinances.

(8) The township board may issue a permit, within 30 days of receipt of an application thereof, for a variance from this article for the purposes of a public or private meeting, concert, parade or other similar event. Application must be received by the township clerk at least 45 days prior to the event.

### **SECTION 3. - PUBLIC NUISANCE REGULATIONS.**

No person, firm or corporation shall create, cause or maintain any public nuisance within the township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area, except those practices protected by the state right-to-farm act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

### **SECTION 4. - BARKING DOGS.**

It is hereby declared that no person, firm, or corporation shall keep any barking dog within the boundaries of this township which, by causing frequent or long continued noise, shall disturb the quiet, comfort, or repose of any person in the vicinity; by way of illustration only, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

### **SECTION 5. - PENALTY.**

(a) Any person, firm or corporation that violates any of the provisions of this article shall be deemed to be responsible for a municipal civil infraction as defined by state statute and shall be subject to a civil fine as determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
First offense within a three-year period*	\$ 75.00	\$500.00
Second offense within a three-year period	150.00	500.00
Third offense within a three-year period	325.00	500.00
Fourth or more offense within a three-year period	500.00	500.00

\*Determined on the basis of the date of commission of the offense.

(b) A violation is also subject to costs which may include all expenses, direct and indirect, which the township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this article shall also be subject to such additional sanctions and judicial orders as are authorized under state law.

**SECTION 7. SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION 8. REPEAL.**

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

**SECTION 9. EFFECTIVE DATE.**

This ordinance shall take effect 30 days after publication as required by law.

Following discussion, a motion to adopt Ordinance No. 5-10-2022 (B) was made by Dan Striegle with support provided by Ashley Brower. Roll Call Vote:

Yes: Ashley Brower, James Pitsch, Dan Striegle, Betty Brower, Don Sebright  
No: None  
Abstain: None

Motion carried.



Betty Brower, Clerk  
Salem Township