

**TOWNSHIP OF COURTLAND
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Courtland, Kent County, Michigan held in the Township Hall, 7450 – 14 Mile Road, within the Township, on the 2nd day of May, 2007, at 7:00 p.m.

PRESENT: Members: Andersen, Brown, Crosby, Davis, Krygier, McIntyre, Porter

ABSENT: Members: None

The following Ordinance was offered by Brown and supported by Andersen.

**ORDINANCE NO. 2007-01
AN ORDINANCE TO AMEND THE COURTLAND
TOWNSHIP NOISE ORDINANCE, NO. 03-02**

THE TOWNSHIP OF COURTLAND ORDAINS:

Section 1. Title. This Ordinance shall be known as “The Courtland Township Noise Ordinance”.

Section 2. Definitions. When used in the Ordinance, the following terms shall have the following meanings:

(a) **“Daytime Hours”.** The hours between 7:00 a.m. and sundown (as reported for that date in the Grand Rapids Press).

(b) **“Night Hours”.** The hours between sundown and 7:00 a.m. (as reported for that date in the Grand Rapids Press).

(c) **“Loud Noise”.** Sounds that can be heard at a distance greater than 25 feet during the Night Hours or greater than 100 feet during the Daytime Hours.

Section 3. Anti-Noise Regulations.

(a) **General Regulation.** No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance within the Township.

(b) **Specific Violations.** In addition to the above general regulation, the following noises and disturbances are hereby declared to be a violation of this Ordinance:

(1) The playing of any radio, phonograph, compact disc, television, or other electronic or mechanical sound producing device or musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons on neighboring property, or during Night Hours, so that it is discernable on neighboring property.

(2) Yelling, shouting, hooting or singing on the public streets during Night Hours 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 Loud Noise that interferes with the operation of any school, church, hospital or court.

(4) The keeping of any animal, bird or fowl, which emanates frequent or intended 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 on neighboring property.

(5) The operation of any automobile, motorcycle, snowmobile, all terrain vehicle, off road vehicle, watercraft, remote controlled hobby airplane, 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.

(6) The operation of any course, track, racing area, proving ground, testing area, obstacle course, field, or similar improved or unimproved area of private or public property, for motor vehicles, snowmobiles, motorcycles, all terrain vehicles, automobiles, watercraft, remote controlled hobby airplane, car, or boat, or motorized vehicles of any kind or nature, on a commercial or non-commercial basis, during Night Hours, or which creates a Loud Noise during Daytime Hours.” (May 2, 2007)

(7) The sound 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.

(8) 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 unreasonable 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.

(9) The erection, excavation, demolition, maintenance, 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 Loud Noise during Night Hours, except in cases of urgent necessity in the interest of public health and safety. In such case, prior written permission shall be obtained from the Township Supervisor, which permission shall limit the periods that the activity may continue.

(10) The creation of a Loud 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 or, during Night Hours, the creation of noise in connection with such activities which is discernable on neighboring properties.

(11) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose, which creates noise that is discernable off the premises.

(12) The operation of a loud speaker or other sound-amplifying device upon any vehicle on the streets of the Township with the purpose of advertising or similar purpose during Night Hours, or in a manner which is unreasonably disturbing to nearby property during Daytime Hours.

(13) During Night Hours, the idling of any vehicle for more than five minutes.

(c) This ordinance shall not prohibit 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, Courtland Township, or the County of Kent, during Night Hours, if the public welfare, safety and convenience render it impossible to perform such work during other hours. In such case, written permission shall be obtained from the Township Supervisor, which shall limit the periods that the activity may continue.

(3) Warning devices emitting sound for warning purposes as authorized by law. This exception shall not, however, override the limitations in the Ordinance on noise created by construction activities.

(4) Any agricultural equipment while engaged in normal agricultural activities including but not limited to planting, cultivation, irrigation and harvesting of crops.

(5) Noises during Daytime Hours caused by maintenance of grounds, provided such noise is not unduly excessive.

(6) The Township Board may grant limited and conditional permission to create noise otherwise prohibited by this Ordinance 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 4. Sanctions. Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00, in addition to the costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. A violator of this ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. Each day that a violation of this ordinance continues to exist shall constitute a separate violation of this ordinance. The sanctions herein provided for shall be in addition to any injunctive or other relief, which might be available or appropriate under the circumstances.

Section 5. Severability. 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 6. Publication/Effective Date. Notice of adoption of this ordinance and a summary of its provisions shall be published in a newspaper of general circulation in the Township within 30 days. This Ordinance shall take effect 30 days following such publication.

AYES: Members: Porter, Brown, Krygier, McIntyre, Crosby, Andersen, Davis
NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Marilynn Crosby
Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

I, the undersigned, the duly qualified and acting Clerk of the Township of Courtland, Kent County, Michigan (the "Township") do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting on the 2nd day of May, 2007, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 8th day of May, 2007.

Marilynn Crosby, Clerk
Township of Courtland