

TOWNSHIP OF GANGES
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 20A
Adopted September 11, 2018
Effective October 27, 2018

2018 RESTATED ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO AMEND AND RESTATE IN ITS ENTIRETY THE GANGES TOWNSHIP ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE (ORDINANCE NO. 20). AS AMENDED, BEING AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF GANGES TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, BY REGULATING NOISE AND DISTURBANCES WITHIN SAID TOWNSHIP; TO PRESCRIBE THE PENALTIES AND SANCTIONS FOR VIOLATIONS OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT WITH THIS ORDINANCE.

THE TOWNSHIP OF GANGES, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

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

Section 2: Definitions

The following terms used in this Ordinance are defined as follows:

- A. County means Allegan County, Michigan.
- B. Immediate Vicinity means any distance within 50 feet from the boundary line of the property on which the disturbance or continued loud noise emanates.
- C. State means the State of Michigan.
- D. Township means the Township of Ganges, Allegan County, Michigan.

Section 3: Anti-Noise Regulations

- A. Acts prohibited generally:

No person, persons (groups), firm, or corporation shall cause or create, assist in creating, continue, or permit the continuance of any unreasonable, excessive, or unnecessary loud sound,

disturbance, or continued noise of high volume or intensity that disturbs the peace of the residents and property owners of the Township.

B. Acts prohibited specifically are the following noises and disturbances:

1. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing or amplifying device, speaker, or musical instrument in such a manner or with volume that is clearly audible beyond the immediate vicinity.
2. The emission or creation of any excessive noise, which interferes with the operation of any organized gathering, class, ceremony, hospital, or court of law.
3. Yelling, shouting, hooting, or singing on the public streets between the hours of 11:00 p.m. and 6:00 a.m.
4. 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.
5. The erection, excavation, demolition, alteration, or repair of any building or premises, including the streets and highways, or the use of any equipment or mechanical device between the hours of 8:00 p.m. and 7:00 a.m., except in cases of emergency or necessity as determined by the Township Building Inspector. In case of necessity for individuals other than those performing work on behalf of the State, Township, or County, such work must be authorized by a permit from the Building Inspector.
6. The operation of any racetrack, proving ground, testing area, or obstacles course for motor vehicles, boats, racers, automobiles, or other similar vehicles if the noise emanating therefrom is clearly audible beyond the immediate vicinity. Under no circumstances shall any racetrack, proving ground, testing area, or obstacle course operate after 11:00 p.m.
7. The sound created by any kept animal, bird, or fowl, which emanates frequent or continued noise that is clearly audible beyond the immediate vicinity, such as repeated barking or whining.
8. Fireworks or audible displays of any kind, except as permitted under State law.
9. The operation of any motor vehicle, snowmobile, all-terrain vehicle, utility vehicle, or other similar vehicle so out of repair, so loaded or so constructed as to cause loud and unnecessary grating, grinding, rattling, or other noise including the noise resulting from exhaust, which is clearly audible beyond the immediate vicinity. The modification of any noise-abatement device, such as a muffler, on any 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 the vehicle as originally manufactured, shall be in violation of this section.
10. The operation, loading, or unloading of any vehicle, trailer, or other carrier or in

connection with the repairing of any such vehicle, trailer, or other carrier so as to create noise that is clearly audible beyond the immediate vicinity.

11. The use of any drum, loudspeaker, or other instrument or device for the purposes of attracting attention to any performance, show, sale, display, or other commercial purpose, which creates noise that is clearly audible beyond the immediate vicinity.

12. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets with the purpose of advertising, where such vehicle, speaker, or sound amplifying device emits loud and raucous noises that is clearly audible beyond the immediate vicinity.

C. The administration and enforcement of this Ordinance shall be in accordance with the following standards:

1. For purposes of measuring the audibility of a sound, those authorized to enforce this Ordinance shall use their ordinary auditory senses of hearing unenhanced by any mechanical devices.

2. An authorized official or other witness need not determine the particular words or phrases being produced or the name of any song or artist producing the sound in order to establish the audibility of the sound. The detection of any rhythmic base or reverberating type of sound is sufficient to constitute a plainly audible sound.

Section 4: Exceptions

A. 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. Farming operations, the operating of farm equipment including tractors, combines, spraying (from both ground and air), and all other equipment pertaining to the normal agricultural activities deemed farming.

3. The legal pursuit of fish and game.

4. Noise emanating from the legal discharge of firearms.

5. Warning devices emitting sound for warning purposes as authorized by law.

6. Public or private meetings, concerts, parades, or other similar events, for which the Township Board has issued a permit. An application for such a permit must be received by the Township Clerk at least 45 days in advance.

Section 5: Public Nuisance Regulations

No person, persons (groups), 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.

Section 6: Authorized Township Officials

Authorized Township Officials, including the Township Supervisor, the Township Zoning Administrator, and any appointed Ordinance Enforcement Officer, are hereby designated as the Township Constable, as provided by the Ordinance Establishing Office of Ordinance Enforcement Officer No. 18. Said individuals, as well as the County Sheriff, any deputy sheriff, and any State trooper are hereby authorized to investigate all complaints of violations of this Ordinance and to issue municipal civil infraction citations (directing alleged violators to appear in court) as provided by the Municipal Civil Infractions Ordinance No. 19.

Section 7: Municipal Civil Infractions Ordinance No. 19

A violation of this Ordinance shall include any act which is prohibited or made or declared to be an offense by the Ordinance and shall be a “municipal civil infraction” as defined by the Municipal Civil Infractions Ordinance No. 19, and the terms, provisions, procedures, contents, penalties, fines, sanctions, and relief of the Municipal Civil Infractions Ordinance shall apply to all complaints and violations of the Township Anti-Noise and Public Nuisance Ordinance.

Section 8: Severability and Repeal of Conflicting Ordinances

The several provisions of this Ordinance are declared to be severable. 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. All resolutions, ordinances or parts thereof in conflict in whole or in part with any provision of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 9: Administrative Liability

No officer, agent, employee or elected official of the Township shall render himself or herself personally liable for any damage that may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 10: Repeal

Ordinance 20 and any subsequent amendments to it are hereby amended and restated in their entirety by this amending Ordinance. All other ordinances, resolutions, orders, or parts thereof in conflict with this Ordinance, in whole or in part, are repealed to the extent of any such conflict.

Section 11: Effective Date

This Ordinance shall take effect on October 27, 2018, being a date 30 days after the first publication in the Allegan County News, a newspaper having general circulation in the Township, pursuant to the provisions of MCL 41.184, as amended.

John Hebert,
Township Supervisor

Mary Puglise,
Township Clerk

CERTIFICATE

I, Mary Puglise, Clerk for the Township of Ganges, Allegan County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Township Board held on September 11, 2018. The following members of the Township Board were present at that meeting: John Hebert, Mary Puglise, Cindy Reimink, Barry Gooding, Richard Hutchins. The following members of the Township Board were absent: 0. The Ordinance was adopted by the Township Board with members of the Board Hebert, Puglise, Reimink, Gooding, Hutchins voting in favor, and members of the Board: None, voting in opposition. The Ordinance was published on September 27, 2018 in the Allegan County News.

Mary Puglise, Township Clerk