

TOWNSHIP OF ROSS
COUNTY OF KALAMAZOO, STATE OF MICHIGAN

ROSS TOWNSHIP ORDINANCE NO. 237

ADOPTED: APRIL 16, 2024

EFFECTIVE: MAY 16, 2024

ROSS TOWNSHIP ANTI-NOISE ORDINANCE

An Ordinance to secure the public health, safety and welfare of the residents and property owners of Ross Township by the regulation of noise within the Township; to provide severability; to impose sanctions for the violation thereof; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF ROSS
COUNTY OF KALAMAZOO

ORDAINS:

SECTION I

TITLE

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

SECTION II

ANTI-NOISE REGULATIONS

- A. General regulation. No person or entity 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 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 playing of any radio, stereo, television set, amplified or unamplified musical instrument, loudspeaker, tape recorder, compact disc player, digital player, or other such electronic sound-producing devices, in such a manner or with volume that:

- a. The operation of any such musical instrument or electronic sound-producing device is plainly audible beyond the property line of a single-family dwelling unit from which it is generated or outside of the duplex dwelling unit or individual dwelling unit of the multiple-family dwelling unit from which it is generated; or
 - b. The operation of any such electronic sound-producing device is plainly audible at a distance of 50 feet from the vehicle or boat in which it is generated; or
 - c. The operation of any such electronic sound-producing device is plainly audible at a distance of 50 feet from its location on public property or private property, including lakes, open to the general public; or
 - d. The bass has caused vibrations within a dwelling unit or within a vehicle or boat other than that from which it was generated.
- (2) Continuous or repeated yelling, shouting, loud whistling, or loud singing, so as to disturb the comfort, repose or peace of others within the Township by being plainly audible to persons within any dwelling, hotel, hospital, office or other type of residence.
 - (3) The keeping of any domestic animal which emanates noise for an extended period of time (60 minutes or more) which shall unreasonably disturb the quiet, comfort and repose of any person in the vicinity by being plainly audible from any nearby property.
 - (4) The operation of any automobile, motorcycle, or other vehicle or boat 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 plainly 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, boat or engine, or the failure to maintain same so that the noise emitted by such vehicle, boat, or engine is increased above that emitted by such as originally manufactured shall be in violation of this section.
 - (5) The sounding of any horn or other device on any vehicle or boat unless necessary to operate said vehicle or boat safely or as required by law.
 - (6) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, boat, 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, boat, or engine, or the failure to maintain same so that the noise emitted by such vehicle, boat or boat engine is increased above that emitted by

such vehicle or engine as originally manufactured shall be in violation of this section.

- (7) The erection (including excavation therefor), demolition, alteration, or repair of any building, and the excavation of streets and highways on any day except between the hours of 7:00 a.m. and 10:00 p.m., unless a permit is obtained from the local Building Official for emergency purposes.
 - (8) The continuous or repeated use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention so as to disturb the comfort, repose or peace of others within the Township by being plainly audible to persons within any dwelling, hotel, hospital, office or other type of residence.
 - (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, boat, trailer, railroad car, or other carrier or in connection with the repairing of such in or near residential areas.
 - (10) 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.
 - (11) 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 9:00 p.m. on any evening.
 - (12) Pigs, cows, horses and other "farm" animals that fall under the Right-to-Farm Act shall be referred to and enforced by the Department of Agriculture.
- 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 of Michigan, the Township or the County of Kalamazoo, between 10:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
 - (3) Warning devices emitting sound for warning purposes as authorized by law.
 - (4) Any vehicle or equipment designed and used for the purpose of snow and/or ice removal when in use for such purposes.

- (5) Generators. Any generator may be utilized any time for emergency power.
- (6) Parades, concerts, musical activities, cultural events, festivals, fairs, or similar activities subject to the approval of a special permit for the activity under Section III, and subject to any sound limitations provided in the approval for such activity by the Township.

SECTION III

SPECIAL PERMIT

APPLICATION FOR SPECIAL PERMIT.

- A. Pursuant to Section II.C.(6) applications for a permit for relief from the noise restriction in this Ordinance on the basis of undue hardship may be made to the Township Board or its duly authorized representative. Any permit granted by the Township Board hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Township Board, or its duly authorized representative, may grant the relief as applied for if it finds:
 - (1) Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this Ordinance, or the activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this Ordinance; and
 - (2) That no other reasonable alternative is available to the applicant.
- B. The following factors shall be considered by the Township Board, or its duly authorized representative, in determining whether to grant the relief as applied for:
 - (1) The balance of the hardship to the applicant, the community and other persons in not granting the requested relief against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of granting the requested relief.
 - (2) The proximity of any residence or any other use which would be adversely affected by sound in excess of the limits prescribed by this Ordinance.
 - (3) The anticipated level of the sound to be generated by the event or activity.
 - (4) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the relief is requested.
 - (5) The density of the population of the area in which the event or activity is proposed to take place.
 - (6) The time of day or night which the event or activity is proposed to take place.

- (7) The nature of the sound to be produced, including but not limited to, whether the sound will be steady, intermittent, impulsive, or repetitive.
- (8) Does the activity have any required zoning approvals.
- C. The Township Board may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to dates, times and the dB(A) levels authorized.
- D. Property owners who own property within 300 feet of the property where the noise for which the special permit is requested shall be notified by first class mail.
- E. The fees shall be set by resolution of the Township Board.
- F. A special permit may be granted only for the period of time that is reasonably necessary to conduct an event or activity, which in no case may exceed 36 days in a calendar year.
- G. No more than one 36-day special permit shall be issued to the same person or entity within a one-year time period.

SECTION IV

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 V

VIOLATIONS AND ENFORCEMENT

- A. Municipal Civil Infractions. Except as otherwise provided in this section, a violation of any of the provisions of this Ordinance shall constitute a municipal civil infraction.

Upon determination of responsibility for a municipal civil infraction, the person or entity shall pay a fine according to the following schedule:

First offense\$ 125.00

Second offense within three years of first offense300.00

Third offense and each subsequent offense within three-year period are each500.00

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.

Each violation which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate violation of this section. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

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.

- B. Misdemeanor. Except as otherwise provided in this section, a violation within 4 hours of committing a prior violation of this Ordinance shall be deemed a misdemeanor. Any person, or entity upon conviction of this misdemeanor shall be subject to a fine of up to \$500.00 or imprisonment in the County jail up to ninety (90) days, or both such fine and imprisonment. Each such violation which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate violation of this section.
- C. Authorized Enforcement Officer. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Ross Township, any deputy of the Kalamazoo County Sheriffs Department, and by such other person or persons as the Township Board may designate.

SECTION VI

EFFECTIVE DATE; REPEAL OF ORDINANCE

This Ordinance shall take effect thirty days after publication. All Ordinance or parts of ordinances in conflict herewith are hereby repealed.

Mary Stage, Clerk
Ross Township