

**FRANKENMUTH TOWNSHIP
COUNTY OF SAGINAW, STATE OF MICHIGAN
FRANKENMUTH TOWNSHIP ORDINANCE NO. 2009-01**

**ADOPTED: 07-20-2009
EFFECTIVE: 07-31-2009**

NOISE ORDINANCE

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Frankenmuth Township, Saginaw County, Michigan, by the regulation of noise within said Township; to prescribe the penalties for the violation thereof.

THE TOWNSHIP OF FRANKENMUTH, SAGINAW COUNTY, MICHIGAN,
ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Frankenmuth Township Noise and Public Nuisance Ordinance.

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 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, 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. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
3. The keeping of any animal, 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.
4. The operation of any automobile, motorcycle or other vehicle which is out of repair or is equipped so 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 equipping of a motor vehicle or engine, or the failure to maintain same so that the vehicle or engine emits or generates noise at such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons shall be in violation of this ordinance.

5. 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 increased such that it generates such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons shall be in violation of this section.

6. 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 11:00 p.m. local time except in cases of urgent necessity in the interest of public health and safety.

7. 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.

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

9. 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 easily heard from nearby adjoining residential property.

10. 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 there from 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 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 of Michigan, Frankenmuth Township, or the County of Saginaw, between 11:00 P.M. and 7:00 A.M. local time when the public welfare, safety and convenience render it impractical to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.
4. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.
5. Parades, concerts festivals, fairs or similar activities subject to any sound limits in the approval by the Township.
6. Operation of a licensed gun range between the hours of 7:00 A.M. to 11:00 P.M.

Section 4: Validity

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 5: Penalties.

Any person, firm or corporation found violating the provisions of this ordinance, shall be punished by a fine as established by the Frankenmuth Township Municipal Civil Infraction ordinance. Each day that a violation shall continue is to constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 6: Effective Date

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

This Ordinance is hereby declared to have been adopted by Frankenmuth Township Board, County of Saginaw, State of Michigan, at a regular meeting held on the 20th day of July, 2009, and ordered to be given publication in the manner prescribed by law.

Timothy Hildner, Supervisor

Sandra K. Humpert, Clerk

Date of Publication: July 1, 2009

Newspaper: The Frankenmuth News

CERTIFICATION

ADOPTED: July 20, 2009

YEAS: 5

NAYS: 0

State of Michigan, County of Saginaw, I the undersigned Township Clerk for the Township of Frankenmuth, Saginaw County, Michigan, certify that the above Ordinance No. 2009-01, adopted by the Township Board of Trustees of the Township on the 20th day of July, 2009, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: July 20, 2009

Sandra K. Humpert
Township Clerk