

**MONTCALM TOWNSHIP  
MONTCALM COUNTY, MICHIGAN**

**(Ordinance No. (2024-20))**

At a regular meeting of the Township Board for Montcalm Township held at the Township Hall on February 14, 2024, and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member Foley, and seconded by Township Board Member Cousineau :

**AN ORDINANCE TO PROHIBIT UNLAWFUL NOISE AND TO PROVIDE  
PENALTIES FOR VIOLATION OF THE ORDINANCE.**

THE TOWNSHIP OF MONTCALM (the “Township”) ORDAINS:

Article 1. Adoption of Ordinance. Ordinance No. 20, effective August 16, 1990, as amended, of the Township of Montcalm’s Code of Ordinances entitled “Anti-Noise and Public Nuisance Ordinance” is repealed and the following Ordinance No. 2024-20 is adopted to read in its entirety as follows:

**TITLE: THE MONTCALM TOWNSHIP NOISE ORDINANCE.**

**SECTION 1. PURPOSE AND PROHIBITIONS.**

It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any unreasonably excessive, unnecessary, or unusually loud noise; or any noise which unreasonably annoys, disturbs the quiet comfort, repose, or peace of a reasonable person of normal sensitivities within the Township.

The following acts are declared to be unreasonably excessive, unnecessary, or unusually loud noises in violation of this section:

1. **Horns and Signal Devices.** The repeated sounding of any horn or signal device on any automobile, motorcycle, bus, train, or other vehicle while not in motion, except as a warning signal in response to a reasonably perceived threat of imminent danger and implemented as an immediate safety measure; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable period of time.

2. **Radio, Electronic Sound Producing Devices, and Musical Instruments.** The playing of any radio, phonograph, television set, amplified or unamplified musical instrument, loudspeaker, tape recorder, compact disc player, or other such electronic sound producing devices, in such a manner or with volume, at any time or place, so as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity. Additionally:

a. The operation of any such musical instrument or electronic sound producing device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section.

3. **Shouting and Whistling.** Yelling, shouting, hooting, whistling, singing, or the making of any other loud noise on the public streets, between the hours of 10:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any place of business or of any persons in the vicinity.

4. **Loud Vehicles.** The operation of any automobile, truck, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause unreasonable noises, including the noise resulting from grating, grinding, rattling or exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification or elimination 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.

5. **Race Track, Etc.** The operation or use 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 where the noise emanating therefrom unreasonably disturbs other persons in the vicinity. Under no circumstances shall any racetrack, proving ground, testing area, or obstacle course operate after 10:00 p.m. The presence of any racetrack, proving ground, testing area, or obstacle course in violation of any Township or County zoning provisions shall be prima facie evidence of a violation of this section.

6. **Hawking.** The hawking of goods, merchandises, or services in an unreasonably loud or disturbing manner.

7. **Whistle or Siren.** The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.

8. **Engine Exhaust.** The discharge into the open air of the exhaust of any steam engine or internal combustion engine, except through a muffler or other device which effectively prevents unreasonably loud or explosive noises.

9. **Construction Noises.** The erection (including excavation therefor), demolition, alteration, or repair of any building, and the excavation of streets and highways except between the hours of 7:00 a.m. and 8:00 p.m., unless a permit therefor is first obtained from the Township Supervisor or designee.

10. **Devices to Attract Attention.** The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.

11. **Barking Dogs; Animals.** No person owning or having charge, care, custody, or control of a dog, or other domestic or agricultural animal, shall permit such animal at any time, by loud or frequent or habitual barking, yelping, or howling, etc., to cause an unreasonable nuisance or annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.

## **SECTION 2. EXCEPTIONS.**

None of the terms or prohibitions of this ordinance shall apply or be enforced against:

1. **Emergency Vehicles** - Any police, fire, or emergency medical vehicle while engaged in emergency activities.

2. **Highway and Utility Maintenance and Construction** - Necessary excavations or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Township, County Road Commission, or any public utility or agency of the state, during the night or on Sunday, when the public safety, welfare, and convenience necessitates the performance of the work at such time.

3. **Public Address** - The reasonable use of stationary amplifiers or loud speakers for public addresses which are noncommercial in character and do not unreasonably disturb persons on adjacent properties.

4. **Agricultural Operations** - Noise created by agricultural operations to the extent permitted by the Right to Farm Act, being Public Act No. 93 of 1981 (MCL 286.471 et seq.).

5. **Township Approved Activities** – Township Board approved or sponsored parades, festivals, fairs, or events.

6. **Generators** – Emergency use of generators during electric power failures.

## **SECTION 3. VIOLATION OF ORDINANCE AND PENALTIES.**

Any person who violates or refuses to comply with any provision of this ordinance shall be responsible for a municipal civil infraction and shall be subject to fines, costs and orders as authorized by law.

The municipal civil infraction fine shall be \$100.00 for a first offense, \$150.00 for a second offense within two years of the first offense, and \$250 for a third or subsequent offense within two years of the first offense. Any offenses after the two-year expiration periods listed herein have lapsed with no violations shall be considered a first offense.

4-4-111

#### **SECTION 4. REPEALER.**

Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

#### **SECTION 5. SAVINGS CLAUSE.**

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

#### **SECTION 6 - EFFECTIVE DATE.**

This Ordinance shall take effect 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

The vote to adopt this Ordinance was as follows:

YEAS: Cousineau – Yes; Foley – Yes; Hyde – Yes; Hansen – Yes; Blomstrom – Yes NAYS:

NO

ABSENT/ABSTAIN: NO

ORDINANCE DECLARED ADOPTED as of February 14th, 2024.

#### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Board for Montcalm Township at the time, date and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to be "C. J. [unclear]", is written over a horizontal line.

Christine Foley  
Montcalm Township Clerk

4-4-111