

**BOSTON TOWNSHIP
COUNTY OF IONIA, MICHIGAN**

At a regular meeting of the Township Board of Township of Boston, County of Ionia, State of Michigan, held at the Boston Township Hall, 30 N. Center Street, Saranac, Michigan, on the

day of January 12, 2022 at 7:00 PM Local Time.

PRESENT: Members: Dennis Bowen, Supervisor, Mike Lamphere, Barb Foster, Ken Olson, Dennis Sitzler, Susan Bieri, Clerk

ABSENT: Members: Mary Lamphere, Treasurer

The following ordinance was offered by Member Sitzler and seconded by Member Bowen

ORDINANCE NO. 22-01

BOSTON TOWNSHIP NOISE CONTROL ORDINANCE

THE TOWNSHIP OF BOSTON ORDAINS:

Section 1. Title. This ordinance shall be known and cited as the "Boston Township Noise Control Ordinance."

Section 2. General Noise Regulation. No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any unreasonable or unnecessary loud noise or disturbance which endangers the comfort, health, peace, quiet or safety of persons in the Township or their property. Without limiting the general prohibition for all hours, the creation of any noise or disturbance between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible beyond the property line of the land from which the noise or disturbance is created or 50 feet from any vehicle from which the noise or disturbance is emanating shall be prima facie evidence of a violation of this ordinance.

Section 3. Specific Noises Prohibited. 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:

(a) **Radios, phonographs, 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 that:

1. 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 unit of the multiple-family dwelling unit from which it is generated; or
 2. The operation of any such electronic sound-producing device is plainly audible at a distance of 50 feet from the vehicle in which it is generated; or
 3. 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 opened to the general public; or
 4. The bass has caused vibrations within a dwelling unit or within a vehicle other than that from which it was generated.
- (b) **Horns or signal devices.** The sounding of any horn or other device on any vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- (c) **Shouting and Whistling.** Yelling, shouting, hooting, whistling, singing or the making of other loud noises on the public streets between the hours of 10:00 p.m. and 8:00 a.m. or the making of such noises at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- (d) **Vehicle noises.** The operation of an automobile, motorcycle, watercraft, snowmobile, all-terrain vehicle, off road vehicle, 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 which unreasonably upsets or disturbs 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.
- (e) **Construction noises.** 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 unreasonably annoying or disturbing to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such cases of necessity, a permit shall be obtained from the building inspector or ordinance enforcement officer of the township, which permit shall limit the periods that the activity may continue.

- (f) **Animal noises.** The keeping of any animal or bird which emanates frequent or extended noise which shall unreasonably upset or 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.
- (g) **Noises interrupting public/religious/educational activities.** The emission or creation of any Loud Noise which unreasonably interferes with the operation of any school, church, place of worship, court or hospital.
- (h) **Drones/remote control hobby airplanes.** The operation of any drone, remote control hobby airplane or other remote-controlled vehicle or device in a manner which disturbs 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.
- (i) **Devices to Attract Attention.** 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 annoying or disturbing to other persons in the vicinity. Also, the operation of a 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.
- (j) **Fireworks.** Noises emitted from the ignition of fireworks, pyrotechnics, or other explosives except legally possessed fireworks ignited during the authorized times designated within the Fireworks Safety Act of 2011 (Public Act 256) as amended in December 2018.

Section 4. Exceptions. None of the prohibitions contained in this ordinance shall apply to the following:

- (a) **Religious Services.** Bells, chimes, carillons, loudspeakers, and similar devices while being used for religious purposes, or in conjunction with religious services.
- (b) **Emergency Vehicles.** Police vehicles, fire vehicles, or ambulances while engaged in necessary public emergency activities.
- (c) **Highway and Utility Maintenance and Construction.** Necessary excavations or repairs of bridges, streets, or highways by or on behalf of the Township, County, or State during the night, when the public safety welfare, and convenience renders it impossible to perform such work during the day.

- (d) **Warning Devices.** Warning devices emitting sound for warning purposes as authorized by law.
- (e) **Agricultural Operations.** Noise created by agricultural operations which is permitted by the Right to Farm Act, being Public Act no. 93 of 1981, as amended.
- (f) **Township Approved Activities.** Township sponsored or approved parades, festivals, concerts, fairs or events.

Section 5. Violations Enforcement and Penalties Any person violating this chapter shall be responsible for a municipal civil infraction for which the fine shall be \$100 for the first offense and not less than \$200 nor more than \$700 for subsequent offenses in the discretion of the court, and in addition to all of the costs, damages and expenses, including actual attorney fees incurred by the Township by reason of the violation, as provided by law. The following persons may issue a municipal civil infraction citation for a violation of this Ordinance:

1. The Township Supervisor
2. A Township ordinance enforcement official appointed by the Township Board
3. A law enforcement officer of the Ionia County Sheriff's Office or the Michigan State Police

The imposition or payment of any municipal civil infraction penalty shall not prevent the Township from seeking injunctive relief or other available relief against a violator for any subsequent offense. For purposes of this Ordinance, "subsequent offense" means a violation committed by the same person or on the same property within one year of a previous violation of this Ordinance for which the person admitted responsibility or was adjudicated to be responsible.

Section 6. Severability. Each portion of this Ordinance shall be deemed to be severable. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, such holding shall not affect the validity or enforceability of this Ordinance as a whole, or of any other part hereof.

Section 7. Publication and Effective Date. This Ordinance shall become effective 30 days after publication of a summary of its provisions in a local newspaper of general circulation within the Township.

AYES: Mike Lamphere, Barb Foster, Ken Olson, Dennis Bowen, Dennis Sitzler, Susan Bieri

NAYS: None

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of Boston Township, County of Ionia, Michigan on January 12, 2022.

Dennis Bowen, Supervisor
Boston Township

Attest:

Susan Bieri, Township Clerk

(STATE OF MICHIGAN)
COUNTY OF IONIA) ss.

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township of Boston at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Susan Bieri
Township Clerk