

VILLAGE OF MORRICE
ORDINANCE NO: 20-03
(Enacted November 10, 2020)

NOISE ORDINANCE

THE VILLAGE OF MORRICE ORDAINS:

Section 1: Short Title: This Ordinance shall be known as the Village of Morrice Noise Ordinance which shall proscribe actions for which shall result in a municipal civil infraction.

Section 2: Purpose: An ordinance to secure the public health, safety and welfare of the residents, and property owners as well as provide for the regulation of noise within the Village of Morrice.

Section 3: Definitions. The following definitions shall apply in this Ordinance:

- (A) "ATV" means a vehicle with 3 or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.
- (B) "ORV" or, unless the context implies a different meaning, "vehicle" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

Section 4: Generally: It is unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. Any violation of the enumerated acts below constitutes a municipal civil infraction subject to the fines and penalties established by resolution of the Village Council dealing with established municipal civil infractions.

Section 5: The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but this listing is not exclusive:

- (1) Engine Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.
- (2) Construction or repair of buildings: The erection (including excavation, demolition, alteration or repair) of any building, and the excavation of streets and highways, on Sundays, and from Mondays through Saturdays, except between the hours of 7:00 a.m. and 6:00 pm., except in cases of urgent necessity in the interest of public health

and safety, and then only with a permit from the Village President, which may be granted for a period not to exceed three days or less while the emergency continues and which may be renewed for periods of three days or less while the emergency continues. If the Village President determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets between the hours of 6:00 pm and 7:00 am, and if s/he further determines that loss or inconvenience will result to any party in interest, s/he may grant permission for the work to be done during the hours of 6:00 p.m. and 7:00 am upon application. If the Village President shall determine that such work does actually impair the public health and safety, then such permit may be revoked by the Village President.

- (3) Radios, public address systems, etc. Except as otherwise permitted by the Village Council, as hereinafter prescribed, the use, operation or permitting the use or operation of any radio, public address system, musical instrument, television, projector, megaphone, speaker, or other machine or device designed for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of others in the vicinity, or with the volume louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the device is operated and who are voluntary listeners. The operation of any of the above-named devices between the hours of 11:00 pm and 7:00 am or in such a manner that the noise is plainly audible at a distance of 100 feet from the source of the noise will be prima facie evidence of a violation of this subsection.
- (4) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle or any street or public place, except as a danger warning, the creation by means of any such signaling device of any unreasonable loud or harsh sound, the sounding of any such device for an unnecessary and unreasonable period of time, the use of any horn, whistle or other device operated by engine exhaust, compressed air, electrical or hydraulic force, and the use of any such signaling device when traffic is for any reason held up.
- (5) Yelling, shouting: Except as otherwise permitted by the Village Council, as hereinafter provided, yelling, shouting, hooting, whistling, or singing on the public streets or any other public place, between the hours of 11:00 pm and 7:00 am, or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (6) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, projector, television, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or to attract attention of the public to any person, vehicle, building or structure;
- (7) Defect in vehicle or load. The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or annoyance.
- (8) Obstacle courses or racetracks. The operation of any public or private obstacle course or race track for motorcycles, off road vehicles (ORVs), all-terrain vehicles (ATVs), or vehicles of any kind or nature in any area of the Village not specially zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity;
- (9) Blowers or Fans. The discharge into the open air from any noise creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden

such noise.

- (10) Exception: None of the terms or prohibitions of Section 5 (2), (3), or (4) shall apply to or be enforced against:
- (a) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency business
 - (b) Highway and construction. Excavations or repairs of alleys, bridges, streets, or highways, by or on behalf of the Village of Morrice, Shiawassee County, or State of Michigan.

Section 6. Village Council Approval

(1) Any person, firm, or entity proposing to conduct any activity or operate any sound producing device which is reasonably expected to produce a sound or occur at a time in violation of this section shall apply to the Village Council for a permit to allow such conduct, or the use of such device(s). In determining whether to issue such permit, the Village Council shall consider the following factors:

- (a) The date and time of the proposed conduct;
- (b) The location of the proposed conduct;
- (c) The nature and proximity of other dwellings and/or uses;
- (d) The type of proposed conduct and/or the type of device proposed to be used; and
- (e) The purpose for such conduct or the use of such device.

(2) The foregoing permit process shall apply only to those noises prohibited under Sections 5 (3), (4), (5) and (6) above. Any permit issued by the Village Council shall specify the date, time, location, and duration of the permitted activity. The Village Council may impose such other restrictions or conditions upon the issuance of such permit as it may deem appropriate and/or necessary in the interests of the public health and welfare.

Section 7. Penalty. Anyone who violates any provision of this Ordinance shall be responsible for a municipal civil infraction. Penalties for violation of this Ordinance are as prescribed in the Ordinance No 05-07, An Ordinance to Establish Penalties For Violations of Village Ordinances, Section 3.

Section 8. Effective Date. That this Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1.

Section 9. Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect. Chapter X Noise Control is repealed in its entirety.

Section 10. Severability: If any section, subdivision, clause or phrase of this Ordinance is deemed invalid, such invalidity shall not affect the validity of the remained of the Ordinance as a whole or any part other than the part deemed invalid.

Adopted on November 10, 2020 by the Village of Morrice Council.