

# Chapter 26: Offenses and Miscellaneous Provisions

**\*Cross References:** Traffic and vehicles, ch. 38.

**State Law References:** Authority to adopt ordinances for public health and safety, MCL 42.14, 42.1, 41.181.

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# Article I. In General

## Section 26-1. Curfew for minors.

(A) *Hours.* It shall be unlawful for any minor under 16 years of age to be or remain in or upon any of the public streets, alleys, parks, playgrounds, wharves, or docks, or in public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m., local time, on Sunday, Monday, Tuesday, Wednesday and Thursday of each week, and between the hours of 11:00 p.m. and 6:00 a.m., local time, of the following day on Friday and Saturday of each week.

(B) *Exceptions.* The provisions of this section shall not apply if the minor is:

- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency. In this subsection, the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor;
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

(C) *Responsibility of parent or guardian.* It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under 16 years of age to allow or permit such minor to go or be upon any of the public streets, alleys, parks, playgrounds, wharves, or docks, or in public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, in violation of subsection (a) of this section.

(D) *Lack of knowledge by parent or guardian.* It shall not constitute a defense under this section that the parent, guardian or other person having the care and custody of a minor who violates subsection (a) of this section did not have knowledge of the presence of the minor in and upon any street, alley, park, playground, wharf, dock or public or semipublic place or building, or place of amusement or entertainment, vacant lot or other unsupervised place, contrary to subsection (a) of this section.

(E) *Duties of proprietors of places of amusement or entertainment.* It shall be unlawful for the proprietor or the person in charge of any place of amusement or entertainment to allow or permit any minor to be or to remain in such place of amusement in violation of this section.

(F) *Custody of minors found in violation.* Any minor found by any police officer upon the public streets, alleys, parks, playgrounds, wharves, docks, or public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, in violation of subsection (a) of this section shall be taken into custody by the police officer and delivered as soon as may be to the parent, guardian or other

adult person having the care and custody of the minor, or, if such person cannot be found within a reasonable time, such minor shall be lodged in the county detention home.

(Ord. No. 15, 2.01--2.05)

**State Law References:** Curfew, MCL 722.751 et seq.

#### **Section 26-2. Municipal civil infractions.**

Notwithstanding the provisions of Chapter 1, Section 1.7 of the St. Joseph Charter Township Code establishing violations of the Code as misdemeanors, the following sections of the St. Joseph Charter Township Code are hereby amended to be municipal civil infractions pursuant to MCL 600.8701 et seq.:

- (1) Chapter 6, Article II, Section 6-35 (Animal Running at Large).
- (2) Chapter 6, Article II, Section 6-37 (Barking Dogs).
- (3) Chapter 10, Article III, Division 3, Section 10-104 (Fence Maintenance).
- (4) Chapter 10, Article V, Section 10-182 (Swimming Pool Enclosure).
- (5) Chapter 22, Article II, Section 22-31 (Litter and Debris).
- (6) Chapter 22, Article II, Section 22-32 (Storage of Garbage).
- (7) Chapter 22, Article II, Section 22-33 (Non-Operable Vehicles).
- (8) Chapter 22, Article III, Section 22-62 (Cutting Nuisance Weeds).
- (9) Chapter 26, Article II, Division 2, Section 26-54 (Trespassing).
- (10) Chapter 26, Article IV, Division 2, Section 26-152 (unnecessary Noise).
- (11) Chapter 26, Article IV, Division 2, Section 26-153 (Specific Noise Prohibited).
- (12) Chapter 46, Article VII, Section 46-393 (Parking Facilities).

(Ord. of 4-21-08, 4)

#### **Section 26-3. Sanction for violation of municipal civil infraction.**

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount of not greater than \$100.00 plus costs not to exceed \$500.00, and damages, expenses and other sanctions, as authorized under Chapter 87 of Public Act of 236 of 1961 (MCL 600.8701) et seq.). Costs shall include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction violation.

(Ord. of 4-21-08, 7)

#### **Section 26-4—26-30. Reserved.**



## Article II. Offenses Involving Property Rights

### Division 1. GENERALLY

#### Section 26-31--26-50. Reserved.

### Division 2. TRESPASS\*

\***State Law References:** Trespass, MCL 750.546 et seq.

#### Section 26-51. Purpose of division.

The purpose of this division is to prohibit trespasses on private or public property within the township by any person and, in particular, by persons on animals or motorized vehicles.

(Ord. No. 57, 1.02)

#### Section 26-52. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Motorized vehicle* means any snowmobile, trail bike, motor scooter, motorbike, motorcycle, dune buggy or other vehicle modified for use off the traveled portion of the road or designed for such use.

*Owner*, in the case of motorized vehicles or animals, includes both the lessor and lessee or contract purchaser, and in the case of private property includes the title holder, land contract vendee and lessee.

*Private property* means any land, title to which is held by one or more natural persons or corporations, co-partnerships or voluntary associations.

*Trespass* means going upon the lands owned or leased by another or public lands without the expressed permission of the owner, other than upon public roads, except in case of emergency such as a fire or police emergency or in conjunction with maintenance and operation of public utilities by employees of such public utilities in the normal course of their duties or by police officers in the course of their duties.

(Ord. No. 57, 2.01)

**Cross References:** Definitions generally, 1-2.

#### Section 26-53. Enforcement.

Any police officer, peace officer, or ordinance enforcement officer of the township is authorized to issue appearance tickets for violations of this division pursuant to section 9c of the Code of Criminal Procedure (MCL 764.9c). In any proceedings involving a violation of this division, the registration number displayed on any motorized vehicle shall constitute prima facie evidence that the owner of the motorized vehicle was the person operating the vehicle at the time of the offense, unless the appearance ticket and complaint specifically cite another person.

(Ord. No. 57, 3.02)

#### Section 26-54. Trespassing prohibited.

No person shall trespass on private or public property in the township, and no owner or operator of a motorized vehicle shall permit the vehicle to trespass on private or public property in the township, and no

one riding or leading any animal shall trespass on private or public property in the township.

(Ord. No. 57, 3.01(1))

**Section 26-55. Restrictions on operation of motor vehicle by minor.**

No person under the age of 12 shall operate a motorized vehicle except under the direct supervision of an adult, and then only on land owned or under the control of such adult. No person between the ages of 12 and 16 may operate a motorized vehicle unless such person is under the direct supervision of a person who is 18 years of age or older, unless authorized to do so by law and with the consent of the owner of the property upon which it is operated.

(Ord. No. 57, 3.01(2))

**Section Sec. 26-56. Permitting motor vehicle or animal to be used in violation of division.**

No owner of a motorized vehicle or animal, or parent or legal guardian of such person under the age of 18 years, shall permit the use of a motorized vehicle or animal by such person in violation of this division.

(Ord. No. 57, 3.01(3))

**Cross References:** Animals, ch. 6; traffic and vehicles, ch. 38.

**Section 26-57. Assisting or allowing violation by minor.**

Any person of the age of 18 years or over assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of 18 to violate the provisions of this division shall be guilty of a misdemeanor.

(Ord. No. 57, 3.01(4))

**Section 26-58--26-80. Reserved.**

## Article III. Offenses Involving Public Safety

### Division 1. GENERALLY

**26-81. Hunting prohibited.**

No hunting shall be permitted anywhere within the township. (Ord. No. 27, 3.02)

**Section 26-82. Trapping.**

(A) *Definitions.* As used in this section, the following terms shall have the following meanings:

- (1) *Owner.* Where written permission is required from the owner in this section, the following shall be considered the owner: the land contract vendee; the lessee, if for a term of one year or more, otherwise the lessor; or a life tenant. If the property is owned by a partnership, permission from a partner or managing partner if a limited partnership will be sufficient for purposes of this section. If property is held jointly, permission from any of the joint owners will be sufficient for purposes of this section.
- (2) *Public property* includes any property owned or held by the state, county, city, or township or any public corporation or authority whose membership is made up of representatives from municipalities.

- (3) *Trapping* means the capturing of animals by traps, but does not include ground mole traps, mouse traps or rat traps.

(B) *Trapping on public property.* No person shall engage in trapping on any public property in the township.

(C) *Trapping on private property.* Persons may engage in trapping on private property subject to the following conditions:

- (1) Written permission from the owner of the property shall first be obtained and a copy thereof filed with the police department of the township prior to setting any traps. The permission shall be dated and be for the length of the season as identified by the state department of natural resources.
- (2) Such person shall be licensed as required by state law and comply with all of the requirements, including duly adopted rules and regulations of the state department of natural resources.
- (3) No traps in excess of a five-inch jaw spread as measured through the pivot points shall be utilized.

(D) *Trapping on own property.* The owner of property may trap on his own property, subject to the following conditions:

- (1) Such persons shall be licensed as required by state law and comply with all the requirements, including duly adopted rules and regulations of the state department of natural resources.
- (2) No traps in excess of a five-inch jaw spread as measured through the pivot points shall be utilized.
- (3) The owner is not required to file a written permission with the police department, but shall have in his possession and display on request of any law enforcement official evidence of ownership of the property in the form of a copy of a tax bill receipt or other instrument demonstrating ownership.

(Ord. No. 28, 2.01, 3.01--3.03)

#### **Section 26-83--26-100. Reserved.**

### **Division 2. FIREARMS\***

**\*State Law References:** Local regulation of firearms, MCL 123.1101 et seq.

#### **Section 26-101. Definitions.**

*Section 26-101 is amended to read as follows:* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approved range* means a range for the shooting of firearms, constructed in such manner as to prevent the projectile from any weapon fired on the range from exceeding the physical limits of the range.

*Building, structure and edifice* mean a space within walls and usually, but not necessarily, covered with a roof.



*Firearm* means any weapon or device from which is propelled any arrow, missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas, or by means of levers or other mechanical devices.

(Ord. No. 27, 2.01, 4-11-2022)

**Cross References:** Definitions generally, 1-2.

#### **Section 26-102. Use restricted.**

*Section 26-102 is amended to read as follows:* No person shall discharge any firearm, as defined above within the township, except as follows:

(A) Authorized officers of the law are permitted to discharge their weapons in the performance of their duties.

(B) A person may discharge a weapon for target practice purposes, in a safe manner, upon a range which has been approved by the township board for the specified type of weapon so discharged.

(C) A person may discharge a shotgun for purposes of controlling rodents where a problem exists, in areas specifically designated by the chief of police, after obtaining a permit for that purpose from the chief of police.

(Ord. No. 27, 3.01, 4-11-2022)

#### **Section 26-103. Firing across or upon roads.**

It shall be unlawful to discharge any firearms upon or across any public road or highway within the township.

(Ord. No. 27, 3.03)

#### **Section 26-104. Approval of practice ranges.**

The township board shall approve firearms practice ranges provided that the range so approved shall be so constructed as to prevent the discharge from the specified type of firearms exceeding the limits of the approved range. Approval of any practice range shall specify in the approval the type of firearm that may be used on the practice range. Use of any firearms not approved for the practice range shall be grounds for withdrawal of approval of the range.

(Ord. No. 27, 3.04)

#### **Section 26-105. Possession by person under 18 years of age.**

(A) Except as provided in subsection (b) of this section, an individual less than 18 years of age shall not possess a firearm in public except under the direct supervision of an individual 18 years of age or older.

(B) Subsection (a) of this section does not apply to an individual less than 18 years of age who possesses a firearm in accordance with part 401 (wildlife conservation) of the Natural Resources and Environmental Protection Act (MCL 324.40101 et seq.) or part 435 (hunting and fishing licensing) of such act (MCL 324.43501 et seq.). However, an individual less than 18 years of age may possess a firearm without a hunting license while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle.

(Ord. No. 27, 3.05)

**State Law References:** Similar provisions, MCL 750.234f.



## Article IV. Offenses Involving Public Peace and Order

### Division 1. FIREWORKS

#### Section 26-131 .Purpose of division.

The purpose of this ordinance is to provide for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.45 I et seq., as amended.

The Charter Township of St. Joseph finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other districts. The Charter Township of St. Joseph endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

#### Section 26-132. Definitions.

*Section 26-132 is amended to read as follows:* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when context clearly indicates a different meaning:

*Act.* The Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time adopted.

*APA standard 87-1.* 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics Association of Bethesda, Maryland.

*Articles pyrotechnic.* Pyrotechnic devices for professional use, that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN043 I or UN0432 under 49 CFR 172.101.

*Consumer fireworks.* Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and I 507, and that are listed in APA standard 87- I , 3.1.2, 3.1 .3, or 3.5. Consumer fireworks does not include low-impact fireworks.

*Display fireworks.* Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation as provided in 27 CFR 555.I I, 49CFR 172, and APA standard 87-1, 4.1.

*Fireworks.* Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

*Low-impact. fireworks.* Ground and hand-held sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8. and 3.S.

*Minor.* An individual who is less than 18 years of age.

*Natural water ways.* Includes the St. Joseph River and its tributaries, and Lake Michigan.

*Novelties.* That term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

*Person.* Any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any other entity or organization. An individual shall include a minor as defined in this article.

*Special effects.* A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment

*State Fire Marshall.* The State Fire Marshall appointed under section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

(4-11-2022)

### **Section 26-133. Manufacture of Fireworks.**

The manufacture of fireworks is prohibited within the Township.

### **Section 26-134. Prohibited Fireworks.**

- (A) *Section 26-134 is amended to read as follows: Consumer fireworks.* A person shall not ignite, discharge or use consumer fireworks, except on the following days after 11 a.m.:
- I. December 31 until 1 a.m. on January 1.
  - II. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
  - III. June 29 to July 4 until 11:45 p.m. on each of those days.
  - IV. July 5, if that date is a Friday or Saturday, until 11:45 p.m.



- V. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

provided that a person shall not ignite, **discharge** or use consumer fireworks in violation of the Act and/or this article.

- (B) *Illegal fireworks.* Any use, possession, or discharge of fireworks that is illegal and not approved by the State of Michigan or the State Fire Marshall is prohibited. regardless of how it is labeled. (4-11-2022)

#### **Section Sec. 26-135. Minors.**

- (A) *Section 26-135 is amended to read as follows:* A minor shall not possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day.

(4-11-2022)

#### **Section 26-136. General Restrictions.**

- (A) *Section 126-136 is amended to read as follows:* Unless specifically authorized, on any day, the use, discharge or ignition of any fireworks. including consumer fireworks, is prohibited on public property.
- (B) A person shall not ignite, discharge, or use any fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.
- (C) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent, or shed. or under any canopy, or overhanging cover, of any nature.
- (D) No person shall either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.
- (E) No consumer fireworks may be ignited, launched or discharged within 200 feet of a residential building or vehicle or natural waterway.

(4-11-2022)

#### **Section 26-137. Applicability of General Ordinances**

Nothing in this article or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

#### **Section 26-138. Zoning Ordinances.**

Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to comply with the zoning ordinances of the Township, including obtaining necessary approvals **there** under. Failure to obtain necessary zoning approvals is subject to penalty as provided in the code of zoning ordinances of the Township.

#### **Section 26-139. Imminent Dangers.**

Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety, or welfare, as deemed by the Fire Chief, Police Officer. or designated Township Official shall be prohibited and the fireworks may be immediately seized.

#### **Section 26-140. Seizure.**

All fireworks used, discharged, or ignited in violation of the Act and/or this article are subject to seizure.



Any costs incurred by the Township to seize and store the fireworks shall be paid by the responsible party.

#### **Section 26-141. Display fireworks.**

No display fireworks shall be used, discharged, ignited or displayed unless approved by Township Board of Trustees, upon application made to the Township Clerk providing proof that the display and applicant are adequately insured and bonded to the satisfaction of the Township Board of Trustees. the applicant has submitted a security plan, safety compliance plans, and an application fee in the minimum amount of \$100.00, plus any additional costs incurred by the Township to administer the permit. A permit for display fireworks is supplemental to any other requirement for such display under the Township's ordinances.

#### **Section 26-142. Penalty.**

- (A) A violation of this article **is** a civil infraction, punishable by a minimum fine of \$150.00, up to a fine of \$500.00, plus the costs of prosecution.
- (B) Following final disposition of a finding of responsibility for violating this article, the Township may dispose of or destroy any fireworks retained as evidence in the prosecution.
- (C) In addition to any other penalty, a person that is found responsible for a violation of this article shall be required to reimburse the Township for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated by the Township in accordance with this article.

#### **Section 26-143. Severability**

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable. Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

(Ord of 2/4/2014)

#### **Section 26-144—26-150. Reserved.**

### **Division 2. NOISE\***

**\*State Law References:** Motor vehicle noise, MCL 257.707 et seq.

#### **Section 26-151. Determination of violation.**

*Section 26-151 is amended to read as follows:* The determination of whether any noise or disturbance is a violation of the provisions of this division shall be in the discretion of a code enforcement or police officer of the township.

(Ord. No. 9, 2.01(4), 4-11-2022)

#### **Section 26-152. Unreasonable noise prohibited.**

No person shall cause or create any unreasonable or improper noise or disturbance injurious to the health, peace or quiet of the residents and property owners of the township.

(Ord. No. 9, 2.01(1))

### **Section 26-153. Specific noises prohibited.**

The following noises and disturbances are hereby declared to be a violation of this division; provided, however, that the specification of such noises is not thereby to be construed to exclude other violations of this division not specifically enumerated:

- (A) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle for any purpose other than to avoid an accident or collision.
- (B) The playing of any radio, phonograph or musical instrument in such a manner or with such violence as to annoy or disturb the quiet, comfort or repose of other persons.
- (C) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- (D) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.
- (E) The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or so constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort or repose of other persons.
- (F) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefor from the township board.
- (G) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
- (H) The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on weekdays, except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefor from the township building official, which permit shall limit the period that the activity may continue.
- (I) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
- (J) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity, in connection with the loading or unloading of any vehicle, trailer, boxcar, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.
- (K) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

(Ord. No. 9, 2.01(2))

### **Section 26-154. Exemptions.**

None of the prohibitions enumerated in this division shall apply to any of the following:

- (A) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

- (B) Excavation or repair of bridges, streets or highways by or on behalf of the township, between the hours of 6:00 p.m. and 7:00 a.m., when the public welfare, safety and convenience render it impossible to perform such work during other hours.

(Ord. No. 9, 2.01(3))