

THE TOWNSHIP OF WHEELER
County of Gratiot, State of Michigan

ORDINANCE NO. 1-99
AN ORDINANCE KNOWN AS THE
WHEELER TOWNSHIP NOISE ORDINANCE

Adopted: October 12, 1999 – Revised: January 14, 2003

An ordinance defining and banning certain noise creating activities and specifically expecting other noise creating activities under certain specified circumstances.

THE TOWNSHIP OF WHEELER ORDAINS:

Section 1. Noise Creating Activities:

A. No person shall engage in the following noise creating activities:

1. The sounding of any horn or signal device on any automobile, motorcycle, train or other vehicle while not in motion, except as a danger signal or to give warning of intent to get in motion or, if in motion, only as a danger signal; the creation means such signal device of any unreasonable loud or hard sound; and the sounding of any signal device for any unreasonable or unnecessary period of time.
2. The driving of any automobile, motorcycle, or motorbike with the muffler cut out, or the racing of the motor thereof so as to cause it to backfire.
3. The playing of any radio, car stereo system, phonograph, television set, musical instrument in such a manner or at such volume as to annoy or disturb the quiet, comfort, or response of persons in any dwelling, hotel, hospital, other type of residence or office, or of any person within 50 feet thereof; or the playing of any radio, car stereo system or phonograph installed in a building or automobile on a public address system or other similar devices.
4. Yelling, shouting, hooting, whistling, singing, or the making of any other loud vocal noises in the public streets or the making of any such noise which would tend to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity thereof between the hours of 10:00 pm and 7:00 am.
5. The hocking of goods, merchandise, or newspapers in a loud or boisterous manner.
6. The keeping of any animal or bird which, by causing frequent or loud continued noise, shall disturb the comfort or repose of any person.
7. The creating of loud and excessive noise by 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 other danger.
8. The discharging into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through an efficient muffler or other device which effectively prevents loud or explosive noises therefrom.
9. The erection (including excavation therefore) demolition, alteration, or repair of any building and excavation of streets and highways which does create a loud and offensive noise which would tend to annoy or disturb the quiet, comfort, or repose of persons on Sundays and, except between the hours of the 10:00 pm and 7:00 am on other days. Exception to this provision must be requested, in writing to the Township Clerk for their consideration in the case of residential building or alterations to a residence by the owner.
10. Barking or howling dogs. No person shall own, keep, or harbor, or have charge of any dog, either licensed or unlicensed, which by loud and frequent barking, howling, or yelping, disturbs the peace and quiet in the neighborhood in which such dog is kept.
11. Excessive discharge of firearms, by causing frequent or continuous noise between the hours of 10:00 pm and 7:00 am

Section 2: Expectations. None of the terms or prohibitions of subsection (a) hereof shall apply to or be enforced against:

1. Any police or fire vehicle or any ambulance while engaged upon necessary emergency business.
2. Necessary excavations in or repairs of bridged, streets, highways or any public utility or installation by or on behalf of the Township, any public utility or any 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. The reasonable use of stationary amplifiers or loudspeakers for public addresses which are noncommercial in character.
4. The use of sound amplifiers or other such devices by churches or other organizations as approved by the Township Board, between 7:00 am and 10:00 pm.
5. The use of public address system and other sound amplifiers outside of buildings or upon sound trucks or cars between the hours of 7:00 am and 10:00 pm for religious, educational, and recreational purposes, provided, however, that no such sound amplifiers shall be used unless permission to do so has been approved by the Township Board upon the following conditions:
 - a. No such permit shall be issued for sound truck operations on Sunday or Christmas Day.
 - b. Such sound trucks shall not operate within 300 feet of any convalescent home or any school during school hours.
 - c. The sound from such equipment shall be so regulated as to be audible to people in the street without creating a nuisance.

Section 3: Separability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, 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 the remaining portions thereof.

Section 4. Ordinance Repealed. All ordinances and/or parts of ordinances inconsistent with ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall take effect and be in force 20 days after its first publication in a newspaper circulated within the Township as provided by statute.

Section 6. Civil Fines/Costs. Any violation of this ordinance shall be considered a civil infraction and subject to township civil infraction fines as the Township Board shall set forth.

Passed and approved by the Township Board of Wheeler, Michigan, in regular session held October 12, 1999. The undersigned clerk of the Township of Wheeler, Michigan, does hereby certify that the above and foregoing ordinance, known as Ordinance No. 1-99 of the Township of Wheeler, Michigan, was introduced at a regular meeting of the township Board, held on October 12, 1999, and was thereafter passed. Signed, Julie Jenkins, Township Clerk.

On motion by Maylee, seconded by Cross that this ordinance be amended to include Section 6, Civil Infraction clause, and addition of NO. 11 for firearms discharge in a regular Wheeler Township Board session held January 14, 2003. On Roll Call Vote 4 Yeas 0 Nays, one member absent, Patricia Gillis.

I, Patricia Gillis, the duly elected and undersigned clerk of the Township of Wheeler, Michigan, hereby certify that the above-mentioned amendment to Ordinance NO. 1-99 of the Township of Wheeler, Michigan was declared adopted and became effective after publication of changes in local paper.

Patricia Gillis
Wheeler Township Clerk