

**BEAVER CREEK TOWNSHIP
ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE
ORDINANCE #41**

Section 1 Title.

This Ordinance shall be known as the Beaver Creek Township Anti-noise and Public Nuisance Ordinance:

Section 2.

A. No person, firm or corporation shall cause any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Beaver Creek,

B. 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:

1. 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.
2. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
3. Yelling, shouting, hooting or singing on the public streets between the hours of 12:00 am and 8:00 am, or at any time or place so as to annoy or disturb the quiet, comfort or repose of other persons.
4. The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort or repose of any person in the vicinity.
5. The operation of any automobile, motorcycle or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noises disturbing to the quiet, comfort or repose of other persons.
6. 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 therefore from the Township Board.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle or motor boat engine except through a muffler or other similar device which will effectively permit loud or explosive noises resulting there from.
8. 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 am and sundown on weekdays except in case of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the building inspector of the township, which permit shall limit the period that the activity may continue.

9. The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.

10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention of any performance, show or sale or display of merchandise which, by creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

11. The operation of any race track, proving ground, testing are or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in the area of the township not specifically zoned for such an operation and/or where the noise emanating there from would be unreasonable disturbing and annoying to other persons in the vicinity.

12. The ignition, discharge and use of consumer fireworks will be allowed only within the Michigan fireworks Safety Act Public Act 256 of 2011, MCL 28.451, et seq. The days allowed will be the Holidays the State of Michigan allows including the day before and the day after. In addition all other days will be allowed except for (12:00 am to 8:00 am) also prohibited during burning bans and "high" fire danger as posted by the DNR. All shrapnel or other materials created from the use of fireworks other than on your own property will be considered litter if not properly discarded and will give cause to issue a ticket for littering.

C. None of the prohibitions hereinbefore enumerated shall apply to any of the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

2. Excavation or repair of bridges, street or highways by or on behalf of the Township of Beaver Creek, State of Michigan or County of Crawford, between the hours of 6:00 pm and 7:00 am, when the public welfare, safety and convenience render it impossible to perform such work during other hours.

D. The determination of whether any noise or disturbance is a violation for the provisions of this ordinance shall be in the absolute discretion of local law enforcement.

Section 3 Public Nuisance Regulations.

A. No person, firm or corporation shall create, cause or maintain any public nuisance within the Township of Beaver Creek by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.

B. The determination of whether any activity enumerated in Section 3 is a public nuisance and a violation of this ordinance shall be in the absolute discretion of local law enforcement.

Section 4 Validity.

The several provisions of this ordinance are declared to be separate and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

Section 5 Penalties for Violation.

Any person, firm or corporation found violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not to exceed \$100 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment at the

discretion of the court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 6 Effective Date.

This amended ordinance shall take effect after adoption and 30 days after publication. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Adopted: 6/11/2013

Published: 7/11/2013

Effective: 30 days after publication