

ORDINANCE NO. 24-01

**STATE OF MICHIGAN
COUNTY OF WAYNE
TOWNSHIP OF GROSSE ILE**

**AN ORDINANCE TO AMEND CHAPTER 80,
“DISORDERLY CONDUCT”, SECTION 80-4
TO UPDATE AND EXPAND THE
PROHIBITIONS ON UNREASONABLE NOISE**

GROSSE ILE TOWNSHIP ORDAINS:

SECTION 1. AMENDMENT TO CODE.

Chapter 80, “Disorderly Conduct”, Section 80-4, “Permitting noisy conduct; illegal business,” is hereby amended in its entirety to read as follows:

§80-4. Prohibited noise.

- A.** Definitions. Whenever used in this chapter, the following words and phrases shall have the following meaning ascribed to them:

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 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include ground and handheld sparkling devices.

NATIONAL HOLIDAY

Any day recognized by the federal government as a legal holiday.

NOISE

Any sound that disturbs humans or animals, or that causes or tends to cause an adverse psychological or physiological effect on humans or other animals.

NOISE DISTURBANCE

Any sound that:

- (1) Disturbs a reasonable person of normal sensitivities; or
- (2) Is plainly audible as defined in this section.

PLAINLY AUDIBLE

Any sound or noise that can be detected by a person using his or her unaided hearing faculties at a distance of one hundred (100) feet or more from the real property line of the source of the sound or noise.

SOUND

Any sound, noise, music, voice, or any other forms of noise or sound, whether generated electronically, by any person, an acoustic instrument(s) or device(s), or any other method of sound creation or transmission.

- B.** It shall be unlawful and a violation of this section to make, cause or allow the making of any sound that causes a noise disturbance, as defined herein.
- C.** Specific prohibitions. In addition to the general prohibition, and unless otherwise exempted by this chapter, the following specific acts, or the causing or permitting thereof, are limited as follows:
 - (1) Operating, playing, or permitting the playing of any radio, televisions, electronic audio equipment, musical instrument or similar device in a residential area such that a noise disturbance is created across a real property boundary in a residential zoning district between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 8:00 a.m. Friday and Saturday.
 - (2) Operating, or permitting the operation of, any loudspeaker, public address system, or similar device for any commercial purpose, on any public road or in any public space between the hours of 10:00 p.m. and 7:00 a.m.

- (3) Yelling, shouting, hooting, whistling or singing on the public streets shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place as to cause a noise disturbance.
- (4) Emitting or creating any excessive noise that unreasonably interferes with the operation of any school, church or hospital.
- (5) Owning, possessing, or harboring an animal or bird that howls, barks, meows, squawks, or makes any sound that:
 - (a) Creates a noise disturbance across a residential property boundary;
 - (b) Is of a frequent or continued duration for ten (10) or more consecutive minutes;
 - (c) Is intermittent for a period of thirty (30) or more minutes.
- (6) Operating any machinery, equipment or mechanical device so as to create a noise disturbance; this prohibition does not include domestic power tools as provided below.

D. Electronically amplified sound systems in vehicles; registered owner responsible for noise violations.

- (1) No person operating or in control of a parked or moving vehicle, including motorcycles and mopeds, shall operate or permit the operation of an electronically amplified sound system in or on the vehicle so as to produce sound that is plainly audible more than fifty (50) feet from the vehicle.
- (2) In a prosecution under this section, proof that the particular motor vehicle described in the citation was used in the violation together with proof that the defendant named in the citation was the owner of the motor vehicle at the time of the violation constitutes in evidence a presumption that the registered owner of the motor vehicle was the person who operated or controlled the motor vehicle when the noise violation occurred. The person in whose name the motor vehicle is registered with the secretary of state is presumed to be the registered owner of the motor vehicle.
- (3) The township board may grant a permit for the operation or use, for any non-commercial purpose, of an amplified public address system on or from a motor vehicle, when the following conditions are met:
 - (a) The applicant has a non-commercial message that cannot be effectively communicated to the public except by such means.

- (b) The applicant will not use the equipment in residential areas between 9:00 p.m. and 8:00 a.m.

E. Exceptions. The following uses and activities shall be exempt from the regulations contained in this section:

- (1) Use of motorized lawn mowers, and other lawn, landscaping, and yard maintenance equipment or domestic power tools, provided such equipment is utilized between the hours of 8:00 a.m. and 9:00 p.m.
- (2) Residential use of snow blowers, if in good working order and if used only as needed, and snow removal from commercial or industrial properties by any internal combustion device, if the snow removal equipment has a properly functioning muffler.
- (3) The unamplified human voice, except for yelling, shouting, whistling, hooting, or generally creation of a racket such that it creates a noise disturbance during the nighttime hours (10:00 p.m. to 7:00 a.m.) in a residential area in other than a time of emergency.
- (4) Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (5) Any non-amplified noise generated by noncommercial public speaking activities conducted on any public property or public right-of-way pursuant to a permit issued under this section.
- (6) Sounds produced at organized sports events, by lawful fireworks other than consumer fireworks, and by permitted parades on public property or public rights-of-way, between the hours of 8:00 a.m. and 11:00 p.m.
- (7) Sounds produced by consumer fireworks, but only when discharged after 11:00 a.m. on December 31 until 1 a.m. on January 1, or between the hours of 11:00 a.m. and 11:45 p.m. on:
 - (a) the Saturday and Sunday immediately preceding Memorial Day.
 - (b) June 29 to July 4.
 - (c) July 5, if that date is a Friday or Saturday.
 - (d) The Saturday and Sunday immediately preceding Labor Day.

F. The penalty for violation of Section 80-4 shall be a misdemeanor.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 3. SEVERABILITY

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance or a summary of this Ordinance shall be published in a newspaper of general circulation in the Township of Grosse Ile within fifteen (15) days after its adoption.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon publication, as provided by law.

ENACTMENT

This ordinance is declared to have been adopted by the Board of Trustees of Grosse Ile Township at a meeting called and held on the 13th day of May, 2024.

Ayes: 6

Nays: 0

Abstentions: 0

Absent: Bloetscher

Certification

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, the undersigned Clerk of Grosse Ile Township, Wayne County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the Board of Trustees of Grosse Ile Township at a meeting held on the 13TH day of May, 2024, the original of which is on file in my office.

GROSSE ILE TOWNSHIP

By: Ute O'Connor
Township Clerk

Adopted: May 13, 2024
Published: May 26, 2024
Effective Date: June 25, 2024