

ARTICLE 50

SECTION R 50.01 ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF FRUITLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, BY THE REGULATION OF NOISE, ODORS AND THE PRODUCTION OF DUST WITHIN SAID TOWNSHIP; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT THEREWITH.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 50.02 TITLE

This Ordinance shall be known and cited as the Fruitland Township Anti-Noise and Public Nuisance Ordinance.

SECTION R 50.03 ANTI-NOISE REGULATION

- A. No person, firm, or corporation shall cause or cause to be made or permit to be continued any unreasonable or improper noise or disturbance, injurious to the health, peace, repose, or quiet of the residents and property owners of the Township of Fruitland.
- 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. Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 3. 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.

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 persons in the vicinity.
5. The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause load and unnecessary grating, grinding, rattling, exhausting, or other noise 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 therefor from the Township Board.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, or internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
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 unreasonable annoying to other persons, other than between the hours of 6:00 A.M. and sundown on week days, except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefor 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 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.
11. Loud Speaker, Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
12. The operation of any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.

13. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- C. None of the prohibitions herein before 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, streets or highways by or on behalf of the Township of Fruitland, State of Michigan, or County of Muskegon, 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.

SECTION R 50.04 SOUND TRUCKS

In the interpretation of this Ordinance the following definitions shall apply:

- A. "Sound Truck" as used herein shall mean any motor vehicle or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.
- B. "Sound Amplifying Equipment" as used herein shall mean any machine or device for the amplification of the human voice music or other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SECTION R 50.05 NON-COMMERCIAL USE OF SOUND TRUCKS

- A. Registration required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for non-commercial purposes in the Township of Fruitland before filing a registration statement with the Township Clerk in writing. This registration statement shall be filed in duplicate and shall state the following.
 1. Name and home address of the applicant.
 2. Address of place of business of applicant.
 3. License number and motor number of the sound truck to be used by applicant.
 4. Name and address of person who owns the sound truck.
 5. Name and address of person having direct charge of sound truck.
 6. Names and addresses of all persons who will use or operate the sound truck.
 7. The purpose for which the sound truck will be used.
 8. A general statement as to the section or sections of the Township in which the sound truck will be used.

9. The proposed hours of operation of the sound truck.
 10. The number of days of proposed operation of the sound truck.
 11. A general description of the sound amplifying equipment which is to be used.
 12. The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck. State the following:
 - i. The wattage to be used.
 - ii. The volume in decibels of the sound which will be produced.
 - iii. The approximate maximum distance for which sound will be thrown from the sound truck.
- B. Registration Statement Amendment: All persons using or causing to be used, sound trucks for non-commercial purposes shall amend any regulation statement filed pursuant to 35-5-3 (Non-Commercial Use of Sound Trucks) within forty-eight (48) hours after any change in the information therein furnished.
- C. Registration And Identification: The Township Clerk shall return to each applicant under 35-5-3 (Non-Commercial Use of Sound Trucks) one copy of said registration statement duly certified by Township Clerk as a correct copy of said application. Said certified copy of application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman to the Township of Fruitland upon request.
- D. Registration for Use: Non-commercial use of sound trucks in the Township of Fruitland with sound amplifying equipment in operation shall be subject to the following regulations.
1. The only sounds permitted are music or human speech.
 2. Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operations shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
 3. Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when such truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.
 4. Sounds shall not be issued within one hundred (100) yards of hospitals, schools, churches, or courthouses.
 5. The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.
 6. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
 7. No sound amplifying equipment shall be operated within excess of fifteen (15) watts of power in the last stages of amplifications.

**SECTION R 50.06 COMMERCIAL ADVERTISING BY SOUND TRUCK
PROHIBITED**

No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the Township of Fruitland with sound amplifying equipment in operation.

SECTION R 50.07 VALIDITY

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

SECTION R 50.08 PENALTIES FOR VIOLATION

Any person, firm or corporation who violates a provision of this ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense. The provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

SECTION R 50.09 EFFECTIVE DATE

This Ordinance shall take effect after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Published: August 29, 1979

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

Amended: July 16, 2012

Published: August 12, 2012

Effective: September 11, 2012