

VILLAGE OF MARION

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

ORDINANCE 1001-98

This ordinance shall be known and cited as the Village of Marion ANTI-NOISE AND DISTURBANCE OF THE PEACE ORDINANCE. Unreasonable noise including, but is not limited to: Noise which is clearly audible to the ordinary person from the street or property line from the source of the noise, between the hours of 10:00 P.M. and 7:00 A.M. and that would disturb the peace and quiet of the residents in the neighborhood during those hours.

- A. General Regulation-No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Village.
- B. Specific Violations-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 playing of any radio, television or other electronic or mechanical sound producing device including any musical instrument in such a manner or with such volume as to unreasonable upset or disturb the quiet, comfort or repose of other persons.
 - 2. Yelling, shouting, hooting or singing between the hours of 10:00 P.M. AND 7:00A.M., or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
 - 3. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
 - 4. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud, unnecessary and unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonable disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be a violation of this section.
- C. Exception – None of the prohibitions herein before enumerated shall apply to 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 or other property by or on behalf of the State of Michigan, townships within the County of Osceola between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
 - 3. Warning devices emitting sound for warning purposes as authorized by law.

4. Any activity that is a "farm operation" within the Michigan Right to Farm Act, 1980 Public Act #93, MCLA 286.471 et sec.

II PREEMPTION

To the extent that there is partial regulation of noise or sound generation, then this ordinance may be applied to that activity but not in conflict with State law, regulation or ordinance of the local jurisdiction in which the activity occurs.

III. SAVING CLAUSE

The provisions of the ordinance are hereby declared to be severable and if any costs, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remain portions of said ordinance shall remain in force.

IV. PENALTIES

It is a misdemeanor for any person to violate any provisions of the ordinance and upon conviction shall be subject to a fine not to exceed Five Hundred (\$500.00) dollars or by imprisonment to the County Jail for not more than ninety (90) days or both, such fine and imprisonment plus costs of prosecution.

Each day that a violation continues to exist shall constitute a separate violation of this ordinance.

V. EFFECTIVE DATE

This Ordinance shall not take effect until 20 days following passage.

Ordinance No. 1001-98 to take effect on August 10, 1998.

Ordinance No. 1001-98 was passed at a regular Council Meeting on July 20, 1998.

Ordinance No. 1001-98 amended effective June 21, 2009.




Marsha Turner, Clerk

October 7, 2013

Amendment to Anti-Noise and Public Nuisance Ordinance to change Penalties
Clause from misdemeanor to civil infraction.

Amendment to be effective October 27, 2013.


Marsha Turner, Clerk