

# ORDINANCE NO. 1

## ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

An ordinance to secure the public health, safety and general welfare of the residents and property owners of **EVERGREEN TOWNSHIP**, Montcalm County, Michigan, by the regulation of noise within the Township, to prescribe the penalties for the violation thereof.

The **TOWNSHIP OF EVERGREEN**, Montcalm County, Michigan ordains:

**SECTION 1. TITLE.** This Ordinance shall be known and cited as the Township Anti-Noise and Public Nuisance Ordinance.

**SECTION 2. ANTI-NOISE REGULATIONS.** General Regulation. No person, firm or corporation shall cause or create an unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township. "Unreasonable" shall be defined as sound exceeding that which is clearly audible within 250 feet of the source by involuntary listeners.

**SPECIFIC VIOLATIONS.** The following noises and disturbances are hereby declared to be violations of this Ordinance; provided, however, that the specifications of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated.

- A. The playing of any radio, phonograph, television or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
- B. Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. to 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
- C. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital, or court.

**SECTION 3. EXCEPTIONS.** **EVERGREEN TOWNSHIP** is primarily a rural, agricultural township. Excepted from the provisions of this Anti-Noise and Public Nuisance Ordinance are the usual farming noises, such as, but not restricted to, irrigation, ground preparation such as plowing and disking, planting and harvesting, and other related tractor and machinery operation noises, which includes construction, mining, airplane spraying and fertilizing etc., this also includes normal livestock farm sounds.

**SECTION 4. VALIDITY.** The several provisions of this Ordinance are declared to be separate; if any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

**SECTION 5. PENALTIES** Any person, firm or corporation found violating the provisions of this Ordinance shall, upon conviction, this will be a civil infraction punishable by a fine not to exceed **FIVE HUNDRED DOLLARS (\$500.00)** or by imprisonment to exceed **NINETY (90)** days, or by both such fine and imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect on **AUGUST 27, 2008** Violations of this Ordinance are to be reported to the Montcalm County Sheriff's Department or Central Dispatch at (989) 831-5253.

**EVERGREEN TOWNSHIP**

**AMENDMENTS TO ORDINANCE NO. 1**  
**(AUGUST 23, 2008)**

SECTIONS 5 AND 6 SHALL BE AMENDED AS FOLLOWS:

SECTION 5 PENALTIES: Any person, firm, or corporation, found violating the provisions of this ordinance shall be responsible for a civil infraction punishable by a fine not to exceed **TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** for a first offense or a fine not to exceed **FIVE HUNDRED DOLLARS (\$500.00)** for a second or subsequent offense. Each day that a violation continues shall constitute a separate offense. Provisions of this ordinance may also be enforced by a suit for injunction, damages, or other appropriate legal action.

SECTION 6 EFFECTIVE DATE: This Ordinance shall take effect on **AUGUST 28, 2008** Violations of this Ordinance are to be reported to the Montcalm county Sheriff's Department or Central dispatch at (989) 831-5253.

I certify that this ordinance was adopted at a regular meeting of the Evergreen Township Board held on April 6, 2010.

  
KELLI J. GREENHOE, CLERK

**INTRODUCED: APRIL 6, 2010**

**ADOPTED: APRIL 6, 2010**

**PUBLISHED: APRIL 9, 2010**

**EFFECTIVE: APRIL 9, 2010**

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