

ORDINANCE NO. 2 OF 2002

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF DECATUR, VAN BUREN COUNTY, MICHIGAN, BY THE REGULATION OF NOISE WITHIN SAID TOWNSHIP; TO PRESCRIBE THE PENALTIES FOR THE VIOLATION THEREOF, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: TITLE. This Ordinance shall be known and cited as the Township of Decatur Anti-Noise and Public Nuisance Ordinance.

Section 2: GENERAL REGULATIONS. No person, firm or corporation shall cause, permit to be caused, or create any unreasonable or unnecessarily loud noises or disturbance which shall offend the peace and quiet of persons of ordinary sensibilities and same are hereby declared to be a public nuisance and are prohibited in Decatur Township.

Section 3: SPECIFIC VIOLATIONS. The following noises and disturbances are hereby declared to be a violation of this Ordinance and a public nuisance; provided however, that the specification of the violations hereinafter set forth shall not be construed to exclude other violations of this Ordinance which are not specifically enumerated:

A. Loud or abusive behavior such as yelling, shouting, hooting, or singing on public streets or property or at any place so as to unreasonably upset or disturb the quiet, comfort, or repose of any persons in the vicinity.

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

C. The keeping of any animal, bird or fowl, except for those which are utilized for legitimate agricultural purposes, 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 a nearby residence.

D. The operation of any motor vehicle, motorcycle or other vehicle which is so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device or any motor vehicle or engine, or the failure to maintain such noise abatement device so that the noise emitted from such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

E. The sounding of any horn or other signal device on any motor vehicle or boat unless necessary to operate such vehicle safely or as required by the State Motor Vehicle Code or Marine Rules and Regulations.

F. The operation or playing or permitting the operation or playing of any amplified sound system which produces, reproduces or amplifies sound:

1 - in such a manner as to be plainly audible across a property line.

2 - in such a manner as to be plainly audible at a distance of 25 feet from an amplified sound system which is located in a township park or any other area open to the general public except when authorized by the Township Board of the Township of Decatur, Van Buren County, Michigan.

3 - in such a manner as to be plainly audible at a distance of 25 feet from an amplified sound system which is located in a parked or moving motor vehicle, motorcycle, moped or bicycle, which is located on a public road, public right-of-way, private road or any other place open to the general public or generally accessible to motor vehicles, motorcycles, mopeds or bicycles, including an area designated for the parking of same.

4 - for the purpose of attracting attention to any performance, show, sale or display of merchandise, without the consent and authorization of Decatur Township, Van Buren County, Michigan.

Section 4: DEFINITION OF AMPLIFIED SOUND SYSTEM. Amplified sound system means a radio, phonograph, compact disc player, tape player, television, musical instrument, drum, sound amplifier or loud speaker, or similar device which produces, reproduces, or amplifies sound either electronically or mechanically.

Section 5: EXCEPTIONS. The provisions of this Ordinance shall not apply to the following:

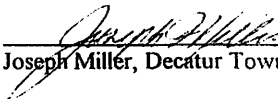
- (a) - Any police vehicle, ambulance, fire engine or emergency vehicle, or to loud speakers used by authorized police, ambulance, fire or other emergency personnel.
- (b) - Horns or other signal devices of motor vehicles, motorcycles, mopeds and bicycles when used solely for traffic safety purposes.
- (c) - Warning devices emitting sound for warning purposes as authorized by law.
- (d) - Any agricultural animal, machinery, equipment or mechanical device being used on lands utilized for legitimate agricultural purposes.

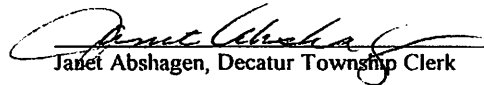
Section 6: SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 7: VIOLATION AND PENALTIES. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred and 00/100 (\$500.00) Dollars and costs, which may include all direct or indirect expenses to which Decatur Township has been put in connection with said violation. In no case, however, shall costs of less than Nine Dollars (\$9.00) or more than Five Hundred Dollars (\$500.00) be ordered. A violator of this Ordinance shall be also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Section 8: EFFECTIVE DATE. This Ordinance shall become effective on February 1, 2003.

Adopted by the Township Board of the Township of Decatur, Van Buren County,
Michigan on this 10th day of December, 2002.


Joseph Miller, Decatur Township Supervisor


Janet Abshagen, Decatur Township Clerk

CERTIFICATION OF CLERK

I, Janet Abshagen, Clerk of the Township of Decatur, Van Buren County, Michigan do
hereby certify that Trustee Miller moved the adoption of Ordinance
No. 2 of 2002, and that Trustee Janet Abshagen seconded said motion.

I further certify that the following Trustees voted for adoption of said Ordinance No. 2 of
2002: Miller, Janet Abshagen, James Abhsagen & Flory

and that the following Trustees voted against said Ordinance: None

_____, and

that the following Trustees were absent: Kaplan.

Dated: December 10, 2002.


Janet Abshagen, Clerk, Township of Decatur