

VILLAGE OF FARWELL ANTI-NOISE ORDINANCE  
Ordinance No. 2018-01

*An Ordinance to promote the health, safety, and welfare of the people of Village of Farwell, Clare County, Michigan, by regulating noise; establishing remedies, providing for enforcement, and fixing penalties for the violation of this Ordinance; and repealing all Ordinances or parts of Ordinances in conflict with this Ordinance.*

THE VILLAGE OF FARWELL, CLARE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known and cited as the Village of Farwell Noise Ordinance.

SECTION 2: UNLAWFUL NOISE: 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.

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 hereby to be construed to exclude other violations of this ordinance not specifically enumerated:

Engine exhausts and prohibition of engine compression brakes.

No person shall operate a truck or other motor vehicle within the Village limits in such a manner so as to operate or activate an engine compression brake. Additionally, the discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom shall be unlawful.

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 reasonably upset or disturb the quiet, comfort or repose of other persons.

The operation of any automobile, motorcycle or other vehicle 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 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 vehicles as originally manufactured shall be in violation of this section.

The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code. The discharging outside of any enclosed building of the exhaust of any steam engine, 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. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Village and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the Village, which permit shall limit the periods that the activity may continue.

The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.

The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Village with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.

The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Village where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 12:00 a.m. on any evening.

SECTION 3: Exceptions: None of the prohibitions hereinbefore enumerated shall apply to the following:

Any police vehicle, fire apparatus, ambulance, or emergency vehicle while engaged in necessary emergency activities, snow removal equipment operation, Manufacturing, Industrial, and Main Street businesses. Activities or operations of governmental units or agencies, such as, garbage or yard waste pickup.

Parades, concerts, festivals, fairs or similar activities subject to any sound limitations with approval of the village.

Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Village of Farwell, or the County of Clare, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to

perform such work during other hours. Warning devices emitting sound for warning purposes as authorized by law. Fireworks to the extent covered by the Village of Farwell Fireworks Ordinance 2016-01 are exempt from this ordinance; all other explosive devices are prohibited.

**SECTION 4: ENFORCEMENT.** The Village President, the Village Code Enforcement Officer, his or her designee and sworn law enforcement officers are authorized to enforce the provisions of this Ordinance.

**SECTION 5: VIOLATIONS, FINES, PENALTIES.**

A. Any person, firm, corporation or entity violating the provisions of this Ordinance shall be subject to a civil fine of up to \$500.00 for each violation.

**SECTION 6: SEVERABILITY.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**SECTION 7: REPEAL.** All regulatory provisions contained in other Village Ordinances which are inconsistent with the provisions of this Ordinance, are repealed and/or inapplicable.

**SECTION 8: EFFECTIVE DATE; PUBLICATION.** This Ordinance shall take effect on the day following publication, except that any penalties for violation of this Ordinance shall take effect 30 days after publication as required by law.

The above Ordinance was offered for enactment by C/Pfruender and was supported by C/Jackson at a public hearing meeting of the Village of Farwell Council during the regular meeting section, held at the Village of Farwell, on the 23<sup>rd</sup> day of January, 2018 at 6:00 p.m., the vote being as follows:

YEAS: 7

NAYS: 0

ABSENT/ABSTAIN: 0

Ordinance Declared Adopted: January 23, 2018

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Kayla Randle, Village of Farwell Clerk

CERTIFICATION

I hereby certify that:

The above is a true copy of an Ordinance adopted by the Village of Farwell Council at a duly scheduled and noticed meeting of the Village of Farwell Council held on January 23, 2018 pursuant to the required statutory procedures.

A summary of the above Ordinance was duly published in the Clare County Review Newspaper, a newspaper that circulates within Village of Farwell, on March 2, 2018.

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Kayla Randle, Village of Farwell Clerk