

STATE OF MICHIGAN
COUNTY OF WASHTENAW
TOWNSHIP OF AUGUSTA

NOISE ORDINANCE

The Charter Township of Augusta, Washtenaw County, Michigan hereby Ordains as follows:

Section 1. Intent

The intent of this ordinance is to provide the Township with an enforceable community nuisance ordinance that acknowledges Augusta Township residents are entitled to enjoy their property free from unreasonably loud, disturbing or unnecessary noise and at the same time, respect people's right to normal daily activities without unreasonable interference.

Section 2. Violations

It shall be unlawful for any person to create, assist in creating, permit, or continue any persistent unreasonably loud or disturbing noise that is plainly audible. This provision includes persons who keep dogs under their care and control to create persistent unreasonably loud or disturbing barking, howling or yelping that is plainly audible.

Section 3. Definitions

- A. "Plainly audible" sound means any sound which can be easily heard at a distance of 50 feet or beyond. The 50 foot distance shall be measured as follows:
1. when the sound emanates from private real property, the measurement shall commence at the property line and continue from that point 50 lineal feet into the adjoining property. This includes motorized vehicles operated on the private real property.
 2. when the sound emanates from a motorized vehicle on a public or private roadway, the measurement shall be 50 lineal feet from the point of the sound's origin.
- B. "Motorized vehicle" means a self propelled device equipped with a motor used to transport or carry persons on roads or on off-road terrain.

Section 4. Exemptions

This ordinance shall not apply to the following:

- A. sound which is generated incidental to a person's reasonable use and care of private property, including, but not limited to, lawn mowers, tractors, trimmers, and snow blowers where the equipment has been maintained in normal and usual operating condition to limit its noise generation;
- B. sound which is generated by an activity specially authorized by another ordinance;
- C. sound which is generated by a special event specially authorized by the Township Board of Trustees;
- D. sound which is generated as a result of bona fide agricultural activities or by agricultural animals.

Section 5. Registered owner of a motor vehicle presumed responsible for noise violations

In a prosecution for a violation of section 2, proof that the particular motor vehicle described in the municipal civil infraction was used in the violation together with proof that the defendant named in the municipal civil infraction was the owner of the motor vehicle at the time of the violation constitutes in evidence a presumption that the registered owner of the motor vehicle was the person who operated or controlled the motor vehicle when the noise violation occurred. The person in whose name the motor vehicle is registered with the secretary of state is presumed to be the registered owner of the motor vehicle.

Section 6. Violations, civil infractions

Any person violating section 2 shall be responsible for a civil infraction and shall be subject to a fine as follows:

1. The fine for any first violation shall be \$100.00;
2. The fine for any violation which the violator has, within the past two years, been found in violation once before shall be \$250.00;
3. The fine for any violation which the violator has, within the past two years, been found in violation of twice before, shall be \$500.00;
4. The fine for any violation which the violator has, within the past two years, been found in violation of three or more times before, shall be \$1000.00.

Section 7. Severability Clause

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 8. Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Section 9. Effective Date

This Ordinance shall be effective 30 days after publication in a newspaper of general circulation as required by law.

I, Kathy Giszczak, Augusta Township Clerk, certify that this Ordinance was published on _____, 2007, in the Ypsilanti Courier and that said Ordinance took effect on _____, 2007