

AMENDED

**NEW BUFFALO TOWNSHIP  
BERRIEN COUNTY, MICHIGAN**

**ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE**

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF NEW BUFFALO TOWNSHIP, BERRIEN COUNTY, MICHIGAN, BY THE REGULATION OF NOISE, ODORS AND THE PRODUCTION OF DUST WITHIN SAID TOWNSHIP; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN ORDAINS:

SECTION 1. Title

This ordinance shall be known and cited as the New Buffalo Township Anti-Noise and Public Nuisance Ordinance.

SECTION 2. Anti-Noise Regulations

- (A) No person, firm, or corporation shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace and quiet of the residents and property owners of the Township of New Buffalo.
- (B) The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specifications of the same is not thereby construed to exclude other violations of this ordinance not specifically enumerated:
  - (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle for any purpose other to avoid an accident or collision.
  - (2) The playing of any radio or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any other person.
  - (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
  - (4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort or repose of any persons in the vicinity.
  - (5) The operation of any automobile, motorcycle or other vehicle so out of repair, so loaded, or so constructed as to cause loud and unnecessary

- grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort and repose of any persons in the vicinity.
- (6) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work as a warning of fire or other danger, or for the purposes upon special permit therefore from the Township Board.
  - (7) The discharge 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 resulting there from.
  - (8) The erection, excavation, demolition, alternation, or repair of any building or premise in any platted residential district or section of the Township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on week days except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefore from the building inspector of the Township, which permit shall limit the period that the activity may continue.
  - (9) The emission or creation of any excessive noise on any street that unreasonably interferes with the operation of any school, church, hospital or court.
  - (10) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity in connection with loading or unloading of any vehicle, trailer, box car, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.
  - (11) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
  - (12) The operation of any race track, providing ground, testing area, or obstacle course for the use of motorcycles, motor vehicles, boat racers, automobiles or vehicles of any kind or nature in any area of the Township not specifically zoned for such an operation and/or where the noise emanating there from would be unreasonably disturbing and annoying to other persons in the vicinity.
- (C) None Of The Prohibitions Hereinbefore Enumerated Shall Apply To Any Of 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 by or on behalf of the township of New Buffalo, state of Michigan, or county of Berrien, between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

- (D) The determination of whether any noise or disturbance is a violation of the provisions of this ordinance shall be in the absolute discretion of the Supervisor or the Township subject only to review of the Township Board upon proper application therefore, made by the alleged violator, within 10 days after such determination by the Supervisor. In the absence of any arbitrary, capricious or discretionary decision by the Township Board, such decision shall be conclusive and final.

### SECTION 3. Public Nuisance Regulations

- (A) No person, firm, or corporation shall create, cause or maintain any public nuisance within the Township of New Buffalo by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.
- (B) The determination of whether any activity enumerated in section 3 (A) is a public nuisance and a violation of this Ordinance shall be in the absolute discretion of the Supervisor of the Township, subject only to review by the New Buffalo Township Board, upon proper application therefore made by the alleged violator, within 10 days after such determination by the Supervisor. In absence of any arbitrary, capricious or discriminatory decision by the Township Board, such decisions shall be conclusive and final.

### SECTION 4. Validity

The several provisions of this Ordinance are declared to be separate and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

### SECTION 5. Penalties for Violation

Any person, firm, or corporation found violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not to exceed \$100.00 or by imprisonment, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this Ordinance may also be enforced by suit for injunction, damages, or other appropriate legal action.