

**TOWNSHIP OF KOCHVILLE
COUNTY OF SAGINAW
ORDINANCE NO. 15-04**

**AN ORDINANCE TO REGULATE NOISE AND HOUSE PARTIES TO THE EXTENT
THAT THEY BECOME A PUBLIC NUISANCE**

The Township of Kochville hereby ordains:

§ 130.01 TITLE.

This chapter shall be known and cited as the “Kochville Township Anti-Noise and Nuisance Party Ordinance. (Ord. 05-10, passed 7-21-2005)

§ 130.02 ANTI-NOISE REGULATIONS; NUISANCE PARTY; EXCEPTIONS.

(A) *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 township. This includes, but is not limited to, the following:

(1) Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 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;

(2) Use any premises or suffer any premises under his, her, or its control to be used so as to destroy the peace and tranquility of the surrounding neighborhood. This includes, but is not limited to, any person who is the owner, occupant, tenant, or has any other possessory interest of premises in the Township, who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a social gathering or party which is, or during the course thereof becomes, a nuisance party.

For the purposes of this subsection, the term “nuisance party” means a social gathering or party which is conducted on premises in the Township and which, by reason of the conduct of those persons in attendance, results in any one or more of the following occurrences or conditions:

- a) Consumption of alcoholic beverages in public or public drunkenness.
- b) Public urination or defecation.
- c) The unlawful sale, furnishing, or consumption of alcoholic beverages.
- d) The unlawful deposit of trash or litter on public or private property.
- e) The destruction of public or private property.
- f) The generation of pedestrian or vehicular traffic of parking of motor vehicles which obstructs the free flow of residential traffic or interferes with the ability to render emergency services.

- g) Excessive, unnecessary, or unusually loud noise which disturbs the comfort and quiet repose of the neighborhood.
- h) Public disturbances, brawls, fights, or quarrels.
- i) Assembly of persons in excess of limits imposed by conditions, rules, or requirements of lease or occupancy agreement.
- j) Any similar conduct which annoys, injures, or endangers the safety, health, comfort, or repose of any neighboring residents.

(3) The emission or creation of any excessive noise that unreasonably interferes with the operation of any school, church, hospital or court; and

(4) The keeping of any animal, bird or fowl, 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 the barking can be clearly heard from nearby residential property.

(B) *Exceptions.* None of the prohibitions hereinbefore enumerated shall apply to 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 or other property by or on behalf of the state, the township or the county, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform the work during other hours;

(3) Warning devices emitting sound for warning purposes as authorized by law;

(4) Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the township and is currently in effect;

(5) All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located;

(6) Noises occurring between 7:00 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded;

(7) Noises emanating from the discharge of firearms are excluded; providing, the discharge of the firearms was authorized under state law and all local ordinances; and

(8) Any commercial, agricultural or industrial use of property which exists now or in the future as a legal non-conforming use (as defined in the township's zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where the use is located; providing that, the noise does not exceed either of the following limitations:

(a) The noise level emitted by the use at the time it became a legal non-conforming use as a result of the enactment of an amendment of the township zoning ordinance if available; and/or

(b) The limitations contained herein based upon a use being located in the highest zoning district (either commercial and agricultural or industrial) where a use is specifically allowed as a permissible use.

(Ord. 05-10, passed 7-21-2005) Penalty, see § 130.99.

§ 130.03 EFFECTIVE DATE.

This chapter shall take effect 30 days after publication and a copy of the ordinance is available for public use and inspection at the office of the Township Clerk.

(Ord. 05-10, passed 7-21-2005)

§ 130.99 PENALTY.

(A) A violation of this chapter shall be a civil infraction and shall be punishable by a fine of not more than \$250. Any further violation of this chapter shall be a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or by both.

(B) Any violation of, or failure to comply with, this chapter is hereby declared to be a nuisance per se and may be abated by any and all available means, including without limitation, equitable relief by any court of competent jurisdiction. Any person violating this chapter shall pay the cost and expenses, including reasonable attorneys' fees, incurred by the township abating the nuisance.

(Ord. 05-10, passed 7-21-2005)