

ORLEANS TOWNSHIP ORDINANCE NO. 15

"NOISE CONTROL ORDINANCE"

ADOPTED: May 19, 1993
EFFECTIVE: June 25, 1993

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS OF ORLEANS TOWNSHIP BY THE REGULATION OF NOISE WITHIN THE TOWNSHIP AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, ORDAINS:

NOISE CONTROL

ARTICLE 1. ORDINANCE TITLE, PURPOSE, AND DEFINITIONS

Section 1.1. Ordinance title. This Ordinance shall be known as and may be cited as "The Township of Orleans Noise Control Ordinance."

Section 1.2 Purpose of Ordinance. Excessive levels of sound are detrimental to the physical, mental and social well-being of the citizens of the Township of Orleans, as well as to their comfort, quality of life, general welfare and safety. The purpose of this Ordinance is to regulate or abate noises which annoy, disturb, injure, or endanger the comfort, repose, health, peace, safety, or welfare of persons within the Township, and to establish maximum sound level limits for motor vehicles and transportation noise, and other general environmental noise.

Section 1.3 Definitions. All acoustical terminology used in this Ordinance, not defined below, shall conform with applicable publications of the American National Standards Institute (ANSI) or its successor bodies. For the purposes of this Ordinance, the following terms are defined as follows:

A. Ambient noise level: The all-encompassing background noise associated with a given environment without the sound contribution of the specific source or activity in question, at the location and approximate time at which a comparison with the sound contribution of the specific source or activity is to be made.

B. ANSI: The American National Standards Institute or its successor bodies.

C. Combination vehicle: Any combination of truck, truck tractor, trailer, semi-trailer or pole trailer used upon the highways or streets in the transportation of passengers or property.

- D. Decibel: A unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear.
- E. dB(A): Decibels measured on the A-weighted network of a sound level meter, as provided by American National Standards Institute standard § 1.4-1971.
- F. Essential services: The erection, construction, alteration, maintenance or operation by any governmental agency or public utility of systems or facilities for the transmission, collection, supply, distribution, disposal, or drainage of gas, electricity, steam, water or sewage; communication systems or facilities; transportation systems or facilities; and other similar public systems, facilities, or improvements.
- G. Exhaust system: The system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.
- H. Gross vehicle weight rating: The value specified by the manufacturer as the loaded weight of a vehicle.
- I. Impulsive noise: A noise characterized by brief excursions of sound pressure which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than 1 second, with a nearly instantaneous rise time and rapid fall time. This type of noise is typically produced by the striking together of two objects or by explosion.
- J. Intermittent noise: Noise that varies at a rate greater than 2 dB/sec, generally characterized by on-off periods of over 1 second.
- K. Maximum noise: The noise emitted from a vehicle during that manner of operation which causes the highest dB(A) level possible from that vehicle.
- L. Motor vehicle: Any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
- M. Muffler: A device for abating the sound of escaping gases of an internal combustion engine.
- N. Noise: Any sound.
- O. Noise disturbance: Any sound which (a) injures or endangers the safety or healthy of humans or animals; (b) annoys or disturbs the comfort, repose or peace of a reasonable person of normal sensitivities; (c) endangers or injures personal or real property; or (d) exceeds the maximum permissible sound levels provided by Section 2.4 of this Ordinance.

P. Noise, plainly audible: Any noise which is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms or beats.

Q. Noise sensitive use: Any use within the Township which involves noise sensitive activities including schools, libraries, churches, hospitals and nursing homes, or other similar uses, as designated by resolution of the Township Board.

R. Non-residential use: Any use of property for purposes other than residential uses, including commercial, agricultural or industrial uses.

S. Person: A natural person, partnership, association, corporation, or institution.

T. Property line: The imaginary line which represents the legal ownership limits of real property and which separates the real property owned by one person from that owned by another person. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way. If the property is bordered by a river, lake, stream or other navigable waterway, the property line for purposes of application of this Ordinance shall be the average high water mark of the body of water.

U. Pure tone noise: Noise that is concentrated around a single frequency.

V. Residential use: A legal use of property for temporary or permanent dwelling purposes.

W. Sound level (or noise level): A weighted sound pressure level for airborne sound, obtained by the use of metering characteristics and A-weighting.

X. Total noise: Noises radiating from a vehicle, but not including noises emitted from a horn, siren, bell, or other similar device of an authorized emergency vehicle.

ARTICLE II. GENERAL NOISE REGULATIONS

Section 2.1. Applicability. The provisions of Article II apply to all sources of sound, except motor vehicles in operation on a public right-of-way (as defined in the State Motor Vehicle Code, 1949 P.A. 300, MCLA 257.1 et seq.); railroad equipment in operation on a railroad right-of-way; or aircraft in flight or in operation at an airport.

Section 2.2. General prohibition. It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any noise disturbance, or to otherwise create noise prohibited by this article.

Section 2.3. Specific prohibitions. The following noises or noise producing activities are prohibited:

A. Radios, television sets, phonographs, musical instruments and similar devices. No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, musical instrument, drum, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

1. In such a manner as to create a noise disturbance across a property line;
2. Between the hours of 10 p.m. and 7 a.m. of the following day, in such a manner as to be plainly audible across a property line;
3. When operated in or on a motor vehicle on a public right-of-way or a public space, or in or on a boat on public waters, in such a manner so as to create a noise level of 65 dB(A) measured at 50 feet from the motor vehicle or boat; or
4. For the purpose of attracting attention by the creation of noise to any performance, show, or sale or display of merchandise.

B. Loudspeakers, public address systems and similar devices.

1. No person shall use or operate for any noncommercial purpose any loudspeaker, public address system, or similar device used to amplify sounds between the hours of 10 p.m. and 7 a.m. of the following day in such a manner as to be plainly audible across a property line.

2. No person shall use or operate for any commercial purpose any loudspeaker, public address system, or similar device used to amplify sounds:

- a. In such a manner as to create a noise disturbance across a property line; or
- b. Between the hours of 10 p.m. and 7 a.m. of the following day, on a public right-of-way or public space.

C. Construction noise. Between the hours of 10 p.m. and 6 a.m. of the following day, no person shall use a pile driver, shovel, hammer, derrick, hoist, tractor, roller or any other construction apparatus or equipment, within 600 feet of a residence or a noise sensitive use, except for work on essential services.

D. Loading and unloading. Between the hours of 10 p.m. and 6 a.m. of the following day, no person shall load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance across a residential property line.

E. Stationary signaling devices. Except as provided by Section 2.5(C) of this Ordinance, no person shall sound or permit the sounding of any stationary bell, chime, carillon, siren, whistle, or similar device:

1. In such a manner so as to create a noise disturbance across a property line; or

2. Between the hours of 10 p.m. and 7 a.m. of the following day, in such a manner as to be plainly audible across a property line.

F. Power tools or equipment. Between the hours of 10 p.m. and 7 a.m. of the following day, no person shall operate, or permit to be operated, power tools or equipment, including any power saw, sander, drill, grinder, garden equipment or similar devices, in such a manner as to be plainly audible across a residential property line.

G. Yelling, shouting, hooting or whistling. No person shall yell, hoot, whistle, or otherwise create a noise or racket on public streets or from private property:

1. In such a manner as to create a noise disturbance across a property line; or

2. Between the hours of 10 p.m. and 7 a.m. of the following day, in such a manner as to be plainly audible across a property line.

H. Animals or birds. No person shall keep any animal or bird which, by causing frequent or long continued noise, shall:

1. Create a noise disturbance across a property line; or

2. Between the hours of 10 p.m. and 7 a.m. of the following day, be plainly audible across a property line.

I. Stationary motor vehicles. No person shall operate or allow to be operated a motor of a motor vehicle which weighs in excess of five tons (10,000 lbs.) for a consecutive period of longer than 2 minutes while the vehicle is in a stationary location on private property located within 150 feet of a residence or a noise sensitive use. The provisions of this section shall not apply:

1. When the vehicle or motor is being used in the course of normal productive work;
2. When the vehicle or motor is being used in connection with work on an essential service;
3. To buses operated for the transportation of passengers while the bus is standing in established turnarounds, terminals or storage yards; or
4. To any vehicle standing within a completely enclosed structure.

Section 2.4 Maximum permissible sound levels by receiving land use.

A. No person shall create, assist in creating, permit, continue or permit the continuance of, on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1 when measured at or within the property line of the receiving land use. Where property is used for both residential and non-residential purposes, the residential sound level limits shall be used only for measurements made on the portion of the property used solely for residential purposes. Any sound in excess of the limits in Table 1 (or as otherwise provided by this section) shall be deemed prima facie to be a noise disturbance.

TABLE 1. MAXIMUM SOUND LEVELS BY RECEIVING LAND USE

Use of Property Receiving the Sound	Time Interval	A-Weighted Sound Level Limit dB(A)
Residential	10:00 p.m. to 7:00 a.m.	50 dB(A)
	7:00 a.m. to 10:00 p.m.	55 dB(A)
Non-residential	10:00 p.m. to 7:00 a.m.	60 dB(A)
	7:00 a.m. to 10:00 p.m.	70 dB(A)
Noise Sensitive	10:00 p.m. to 7:00 a.m.	50 dB(A)
	7:00 a.m. to 10:00 p.m.	55 dB(A)

B. For any source of sound which emits an intermittent noise, the maximum sound level limits set forth in Table 1 shall be reduced by 5 dB(A). For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in Table 1 shall be reduced by 10 dB(A).

C. In addition, any noise which exceeds the ambient noise level by 10 dB(A), measured at the point of complaint within the receiving land use, shall constitute an unlawful noise disturbance.

Section 2.5. Exceptions. The following noises or noise producing activities shall be exempt from the prohibitions and maximum sound level limits of this article:

A. Noise associated with athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools.

B. Noise associated with outdoor gatherings, public dances, shows, concerts, parades, fairs, festivals, and sporting or entertainment events, provided that all necessary permits, licenses or approvals have been obtained from all appropriate jurisdictions for the event, and subject to any alternative maximum sound limits imposed for the event by the Township Board.

C. Stationary bells, chimes, or carillons played for religious purposes or in conjunction with religious services, for national celebrations or public holidays, or for other noncommercial purposes, between the hours of 7 a.m. and 10 p.m., and for a period not to exceed 90 seconds duration in any 1 hour.

D. Sound made to alert persons to the existence of any emergency, danger, or attempted crime, including sound made by stationary safety signals and warning devices.

E. Noise resulting from the provision of essential services.

F. Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident, or natural disaster, or to protect persons or property from an imminent danger.

G. Noise sources associated with the construction, repair, remodeling or grading of any real property, between the hours of 6 a.m. and 10 p.m., provided that all necessary permits have been obtained from the Township and the permits are currently in effect.

H. Noise sources associated with lawn maintenance equipment when it is functioning within the manufacturer's specifications and with all mufflers and noise reduction equipment in use and in proper operating condition, between the hours of 7 a.m. and 10 p.m.

I. Noise created by mechanical devices, apparatus or equipment associated with agricultural operations, except between the hours of 10 p.m. and 6 a.m. of the following day.

J. Noise associated with the operation or use, for any non-commercial purpose, of any loudspeaker, sound amplifier, public address system or similar device between the hours of 7 a.m. and 10 p.m., including the use or operation of mechanical loud speakers on or from a motor vehicle, but only if a permit for the specific activity has been granted by the Township Board. The Township Board shall cause such a permit to issue under circumstances and subject to conditions, as follows:

1. The Township Board finds that the applicant has a noncommercial message that cannot be effectively communicated to the public by any other means of communication available;

2. The applicant will limit the use of the loud speakers to times, locations and sound levels which will not unreasonably disturb the public peace, as determined by the Township Board; and

3. The applicant will not use the equipment in residential areas between the hours of 10 p.m. and 7 a.m. of the following day:

K. Noise associated with any activity to the extent that regulation of the activity has been preempted by state or federal law.

Section 2.6. Noise variances.

A. The Township Board may grant variances from the prohibitions and maximum sound level limits provided by this article, upon the concurring vote of a majority of the members of the Board, subject to the conditions and under the circumstances provided by this section. The variances granted under this section ("noise variances") may temporarily or permanently exclude the event, activity or location for which the variance is issued from the requirements of this article.

B. Any person seeking a noise variance shall submit an application to the Township Clerk, accompanied by an application fee in the amount as determined from time to time by the Board. The application shall contain information demonstrating that bringing the source of sound for which the variance is sought or the activity involved into compliance with this article would cause an unreasonable hardship for the applicant, with consideration of the factors set forth below in this section. The application shall also describe the actions already taken by the applicant, if any, to comply with the provisions of this article.

C. Upon receipt of the application, the Township Board shall cause such investigation to be made concerning the application, including consultation with Township department or officials, as deemed necessary by the Board for its consideration of the variance request.

D. In determining under what conditions and to what extent a variance from the requirements of this article may be granted, the Township Board shall have wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and persons affected by the noise emitted by the applicant. In determining whether or not to grant a variance, the Township Board may consider the following factors:

1. The balance of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance.
2. The number, if any, of previous variances granted to the applicant, or for the same location or activity.
3. The nearness of any residential use of property, or any other use which would be adversely affected by noise in excess of the limits prescribed by this article.
4. The sound level of the sound to be generated by the event or activity.
5. Whether the type of noise to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested.
6. The density of population of the area in which the event or activity is to take place.
7. The time of day or night which the activity or event will take place or that noise will be created.
8. The nature of the sound to be produced, such as, for example, whether the sound will be steady, intermittent, repetitive or impulsive.
9. Any other factors deemed by the Board to be relevant and appropriate to its decision.

E. The Board shall not consider the communicative content of the activity or event in determining whether to grant or deny a variance.

F. A variance shall not be granted by the Board where the effect of the variance will permit the continuance of a health hazard. Further, the grant of a variance shall not be construed so as to relieve the applicant from any liability imposed by other law for the commission or maintenance of a nuisance.

G. Variances granted may be subject to reasonable conditions as the Board shall require, including but not limited to, conditions: limiting the days of the week for which the variance is valid; limiting the number of days for which the variance is valid; limiting the hours of the day, or days, for which the variance is valid; or limiting the maximum sound levels which may be emitted. The variance shall not be valid unless all conditions are agreed to by the applicant, or its duly authorized officer or agent, in writing.

H. A variance granted by the Board shall be in writing, setting forth the name of the party granted the variance, the location of the property for which it was granted, and any conditions imposed, including but not limited to, the dates and times for which the variance is effective and the maximum sound levels authorized by the variance. The variance shall expressly provide that it may be subject to immediate termination by the Township Board for failure to comply with any applicable requirement of this article or condition of the variance. A variance must be kept on the site of the event or activity and shall be displayed upon the request to do so by any law enforcement officer or other authorized Township employee.

I. The failure to comply with any of the requirements of this section or with any condition of the variance shall constitute a violation of this article. Further, such failure to comply shall be sufficient grounds for the Board, in its discretion, to terminate the variance, and require the applicant, event or activity to immediately meet all applicable requirements of this article.

Section 2.7. Compliance with sound level limits by non-residential uses existing as of the effective date of this article. A commercial, agricultural, industrial or other non-residential use of property (or noise source in connection therewith) which exists prior to the effective date of this Ordinance but which does not meet the sound level limits under this article as of the effective date of this Ordinance shall be allowed a two [2] year period, commencing on the effective date of this Ordinance, to comply with the applicable requirements. During the two [2] year period, any such pre-existing use shall make all reasonable efforts necessary to comply with the sound level limits and to reduce any noise which exceeds the limits. At the end of the two [2] year period, all pre-existing uses shall be in full compliance with the sound level limits and subject to all applicable requirements of this article. This section does not apply to any use of property or noise source which is commenced after the effective date of this Ordinance.

Section 2.8. Evaluation of noise level limits. It is the intent of the Township of Orleans to periodically reevaluate the noise level limits and other standards contained in this article, and, if determined appropriate by the Township Board, to adjust such standards either upward or downward in light of changed conditions in the community or advances in technology.

Section 2.9. Violation and Penalty.

A. A person who violates any provision of this article or fails to comply with any of the requirements of this article or who uses or permits to be used any premises in violation of this article shall be subject to a fine of not more than \$500 or imprisonment for not more than 90 days, or to both such fine and imprisonment. Each day that a violation continues shall be deemed a separate and distinct violation.

B. This article shall not be construed to impair any common law or statutory cause of action or legal or equitable remedy of any person for injury or damage arising from any violation of this article or other applicable laws or ordinances, including, without limitation, injunctive relief against a violator, to restrain and prohibit the violator from repeating or continuing the violation.

C. If there is any evidence of retaliation by an offender under this article against any complainant or witness, that evidence shall be communicated to the District Court to be considered by the Court as it deems appropriate in sentencing the violator.

**ARTICLE III. NOISE CAUSED BY MOTOR VEHICLES
IN OPERATION ON A PUBLIC RIGHT-OF-WAY**

Section 3.1 Applicability. The provisions of Article III apply only to motor vehicles in operation on a public right-of-way (as provided by the State Motor Vehicle Code, 1949 P.A. 300, MCLA 257.1 *et seq.*) For purposes of this article, "motor vehicle" does not include "special mobile equipment."

Section 3.2. Horns and Other Warning Devices. A person shall not operate a motor vehicle in a manner or with equipment that does not comply with the following requirements:

A. A motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with the horn but shall not otherwise use the horn.

B. A vehicle shall not be equipped with nor shall a person use upon a vehicle a siren, whistle, or bell, except as otherwise permitted by this section.

C. A vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

D. An authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. In those cases, the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle.

E. A motor vehicle licensed as a historic vehicle may be equipped with a siren, whistle, or bell which may be used when participating in a parade, exhibition, tour, or similar event.

Section 3.3. Mufflers and Exhaust Systems.

A. A person shall not operate a motor vehicle unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, by-pass, or similar device upon a motor vehicle on a highway or street.

B. A person shall not operate a motor vehicle unless the engine and power mechanism of the motor vehicle are so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

C. A person shall not operate a motor vehicle unless the motor vehicle is equipped with a properly operating exhaust system which shall include a tailpipe and resonator on a vehicle where the original design included a tailpipe and resonator.

Section 3.4. Exhaust Systems and Backfiring Devices.

A. A person shall not operate a motor vehicle unless the vehicle is equipped with an exhaust system in good working order to prevent excessive or unusual noise and is equipped to prevent noise in excess of the limits established in Section 3.5 of this Ordinance.

B. A person shall not introduce any gasoline, foreign material or obstruction into the muffler or exhaust pipe which causes or is capable of causing exhaust gases to ignite, burn or flash in any manner or form.

Section 3.5. Vehicle Noise Limits.

A. A person shall not operate a motor vehicle on a highway or street if the motor vehicle produces total noise exceeding one of the following limits at a distance of 50 feet (unless a different distance is expressly provided by this section or as otherwise permitted by Section 3.6):

1. A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more or a combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more.

a. 90 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

b. 86 dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

c. 88 dB(A) under stationary run-up test.

2. A motorcycle or a moped:

a. 86 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

b. 82 dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

c. 95 dB(A) under stationary run-up test at 75 inches.

3. A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in Sections 3.5(A)(1) or 3.5(A)(2).

a. 82 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

b. 76 dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

c. 95 dB(A) under stationary run-up test 20 inches from the end of the tailpipe.

B. A dealer shall not sell or offer for sale for use upon a street or highway a new motor vehicle manufactured after April 1, 1978, which produces a maximum noise exceeding the following limits:

1. 83 dB(A) for a motor vehicle with a gross vehicle weight rating of 8,500 pounds or more.

2. 83 dB(A) for a motorcycle or a moped.

3. 80 dB(A) for a motor vehicle not covered in Section 3.5(B)(1) or 3.5(B)(2).

C. A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, by-pass, amplifier, or a similar device.

D. A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this article.

E. A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this article, or operate a motor vehicle so altered on a street or highway.

F. A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway which is not in compliance with this article.

Section 3.6. Test Procedures. Test instrumentation and procedures used for implementation and enforcement of this article shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., and the American National Standards Institute, Inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures that have been promulgated by the Department of State Highways and Transportation shall also be followed in the implementation and enforcement of this article. If such rules so provide, sound level measurements may be made at other than the distances specified in Section 3.5, provided that the decibel limits applied at the other distances are adjusted accordingly.

Section 3.7. Penalties.

A. A person who violates Sections 3.5(B), 3.5(D) or 3.5(F) of this Ordinance is guilty of a misdemeanor punishable by a fine of \$100.00.

B. A person who violates Sections 3.4 or Section 3.5(A), 3.5(C) or 3.5(E) of this Ordinance is responsible for a civil infraction punishable by a fine or not more than \$100.00 and which shall be processed by the Township pursuant to the procedures provided by the Michigan Vehicle Code.

C. A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of this article shall be liable to the person

who receives a citation for violation of Section 3.5 for the amount of not less than \$100.00, plus reasonable attorney fees and court costs.

D. All other violations of this article shall be punishable by a fine or not more than \$100 or by imprisonment not to exceed 90 days, or both.

E. If it is shown that the noise level of a motor vehicle is in excess of the dB(A) levels established in this Article, that evidence shall be prima facie evidence that the motor vehicle was producing excessive noise in violation of this article.

ARTICLE IV. ENFORCEMENT AND OTHER MATTERS

Section 4.1. Enforcement. This Ordinance shall be enforced by the person or persons designated by the Township Board, or as otherwise responsible, to do so under applicable laws.

Section 4.2 Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are severable. If any part, section, paragraph, subsection, sentence, phrase and clause is adjudged unconstitutional to invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4.3. Non-repeal. This Ordinance shall not be construed to repeal by implication any other Ordinance of Orleans Township pertaining to the same subject matter.

Section 4.4. Effective date. This Ordinance shall take effect 30 days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

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I certify that the Ordinance as set forth above was adopted by the Orleans Township Board in regular session on May 19, 1993 and that it was published in Ionia Sentinel Standard on May 26, 1993 Further, I certify that an attested copy of the Ordinance was filed with the Ionia County Clerk on May 26, 1993

Joyce E. Doty
Joyce E. Doty
Orleans Township Clerk

Subscribed and sworn to before
me this 26th day of May, 1993

Terrence Almy
Notary Public

State of Michigan, County of Ionia

My Commission expires: 5-16-95