

**TOWNSHIP OF GAINES  
ORDINANCE NO. 130**

**NOISE CONTROL ORDINANCE**

An ordinance to regulate excessive noise which would create a nuisance or disturb the public peace within the Township and to provide penalties for the violation thereof.

**THE TOWNSHIP OF GAINES HEREBY ORDAINS:**

**Section 1. General noise prohibition.**

No person shall at any time cause a noise to be created which by its loud or continuous nature constitutes a public or private nuisance.

**Section 2. Motor vehicles.**

- A. No motor vehicle which creates excessive noise shall be operated upon any public property, public roads, or private roads located within the Township. For purposes of this section, the term "Excessive Noise" shall be deemed to mean noise louder than that which would be created if the motor vehicle was equipped with a standard muffler system in good working order.
- B. No person operating or having control of a motor vehicle with any radio, stereo or sound amplification equipment in or on such vehicle shall permit sound therefrom to be emitted which is clearly audible more than 50 feet from the vehicle.

**Section 3. Off-Road Vehicles.**

- A. The term "off-road vehicles" shall include any trail bike, snowmobile, all-terrain vehicle, or other vehicle which is not licensed for regular use upon the public roads as a motor vehicle.
- B. No off-road vehicle shall be operating within the Township unless it is equipped with a muffler which effectively prevents excessive noise therefrom.
- C. No off-road vehicle shall be operated within 100 feet of a residence unless such residence is occupied by the operator of the off-road vehicle.
- D. Off-road vehicles shall not be operated on any property in such a manner as to cause noise audible beyond the boundaries of the property between the hours of 10 p.m. and 8 a.m. or for more than three (3) hours per day.

- E. No person under 14 years of age shall operate an off-road vehicle within the Township unless the person is operating the vehicle on the property on which the person's residence is located or unless the person is supervised by an adult.

**Section 4. Night disturbances.**

No excessive noise shall be made on any private property within the Township between the hours of 10:00 pm and 8:00 am. This section shall include noises created by phonographs, radios, televisions, stereo equipment, musical instruments, loud parties, and other causes. For purposes of this section, the term "excessive noise" shall be deemed to mean any noise which is audible beyond the property lines of the property on which the noise originates and which is audible beyond such property lines at a level louder than the noise created by ordinary conversation.

**Section 5. Exemptions.**

This ordinance shall not apply to noises caused by farm or business operations which are carried on in an area properly zoned for that activity, providing that the activity causing the noise is necessary to the farm or business operation. This ordinance shall also not apply to lawn maintenance equipment, chain saws or garden equipment used for purposes of permitted in the zoning district.

**Section 6. Waivers.**

Permission to waive particular provisions of this ordinance may be granted by the Township Board for specific events or social occasions.

**Section 7. Penalty.**

Any person who shall violate a provision of this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine or not more than \$500.00, imprisonment for 93 days or more, or both.

**Section 8. Severability.**

This ordinance and the various sections and provisions thereof are hereby declared to be severable. If any section or sub-section is adjudged unconstitutional or invalid, the same shall not affect the validity of the remainder of the ordinance.

**Section 9. Effective date.**

This ordinance shall take effect 30 days after publication.

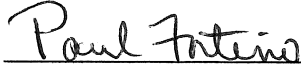
At a regular meeting of the Board of Trustees for the Township of Gaines held on December 7, 2016, **Diane Hyrman** moved for adoption of the foregoing ordinance

and **Lee Purdy** supported the motion.

Voting for: **Lee Purdy, Matthew Moros, Michael Dowler, Diane Hyrman, and Paul Fortino**

Voting against: **None**

The Supervisor declared the ordinance **adopted**.



\_\_\_\_\_  
Paul Fortino, Supervisor



\_\_\_\_\_  
Michael Dowler  
Township Clerk

### **Certification**

Michael Dowler, Gaines Township Clerk, certifies that the foregoing is a true copy of Ordinance No. 130 which was enacted by the Board of Trustees of Gaines Township at a regular meeting held on December 7, 2016.



\_\_\_\_\_  
Michael Dowler, Township Clerk