

TOWNSHIP OF ATTICA
ORDINANCE NO. 2018-05

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 ATTICA HEREBY ORDAINS:

Section 1. General noise prohibition.

No person shall cause or create or permit to continue any unreasonable, improper or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents or property owners of the township.

Section 2. Specific Violations.

The following noises and disturbances are hereby declared to be a violation of this ordinance, provided, however, that the specification of the same is not to be construed to exclude other violations of this ordinance not specifically enumerated:

- (1) The playing of any radio, phonograph, television or other electronic or mechanical sound-producing device, including any musical instrument, in such a manner or with such volume as to upset or disturb the quiet, comfort or repose of reasonable persons. There shall be a presumption established that a noise is unreasonable, unnecessary or improper upon submission of proof that such a device when used in the interior of any building emits such a volume of sound as to be heard on any public way or private property not owned by the maker of the noise.
- (2) The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11 p.m. on any evening or for more than two (2) consecutive hours.
- (3) No yelling, shouting, singing or other excessive noise shall be made on any private property within the Township of Attica 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.

- (4) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this ordinance.
- (5) The discharging 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. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this ordinance.
- (6) 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.
- (7) No person shall discharge a firearm between the hours of 10:00 pm and 8:00 am except in defense of person or property.
- (8) No property owner shall permit the continuous discharge of firearms on their property for more than three (3) consecutive hours between the hours of 8:00 am and 10:00 pm.
- (9) For purposes of this ordinance, the following terms shall be defined as follows:
 - (a) "continuous discharge" means:
 - (i) for handguns, the discharge of 500 rounds or more;
 - (ii) for semi-automatic firearms, the discharge of 1000 rounds or more;
 - (iii) for fully automatic firearms, the discharge of 2000 rounds or more.

- (b) "handgun" means a firearm capable of being held in a single hand;
- (c) "semi-automatic firearm" means a firearm that fires a single round each time the trigger is pulled;
- (d) "automatic firearm" means a firearm that fires rounds as long as the trigger is pulled.
- (e) "firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

Section 3. 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 permitted in the zoning district in which they are being operated.

Section 4. 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 5. 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 6. Effective date.

This ordinance shall take effect thirty days after publication.

Voting for: *Herpolsheimer, Mason, Ochadleus*

Voting against: *Madeline, Lacey*

The supervisor declared the ordinance adopted.

Nancy Herpolsheimer
Nancy Herpolsheimer
Township Clerk

Al Ochadleus
Al Ochadleus
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2018-05 which was enacted by the Attica Township Board of Trustees at a regular meeting held on October 11, 2018.

Nancy Herpolshemer
Nancy Herpolshemer
Township Clerk