

ORDINANCE NO. 700

An Ordinance to regulate the excessive noise, which creates a nuisance or disturbs the public peace within the Township and to provide penalties for violation thereof.

THE TOWNSHIP OF GOODLAND 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 is a nuisance to persons occupying nearby properties.

Section 2. MOTOR VEHICLES

No motor vehicle, which creates excessive noise, shall be operated upon the public roads or other public property 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 were equipped with a standard muffler system in good working order.

Section 3. OFF-ROAD VEHICLES

- A. The term "off-road vehicle" 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. The term "off-road vehicle" shall not include tractors. For the purposes of this section, the term "tractor" shall be deemed to mean a four-wheeled or track-laying, rider-controlled, self-propelled vehicle used especially for drawing implements (as agricultural) or for bearing and propelling such implements.
- B. No off-road vehicle shall be operated within the Township unless it is equipped with a muffler, which effectively prevents excessive noise therefrom. Also, the vehicle is to be equipped with a spark arrester type United States Forest Service approved muffler, in good working order and in constant operation. For purposes of this section, the term "excessive noise" shall be deemed to mean noise louder than that, which would be created if the off-road vehicle were equipped with an approved muffler system in good working order.
- C. No off-road vehicle shall be operated within 500 feet of a residence, unless such residence is occupied by the operator of the off-road vehicle.
- D. No off-road vehicle shall be operated in such a manner as to cause noise audible beyond the property lines of the property on which the noise originates for more than one (1) hour per day.
- E. No person under 18 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 accompanied by an adult.

Section 4. NIGHT DISTURBANCES

No excessive noise shall be made on any private property within the Township of Goodland between the hours of 8:00 p.m. and 8:00 a.m. This section shall include noises created by phonographs, radios, 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 noise caused by ordinary conversation.

Section 5. DOGS

No person shall permit any dog, which is harbored on his premises to create a nuisance by loud, frequent, or habitual barking, howling, or other noise.

Section 6. AGRICULTURE AND BUSINESS EXEMPTION

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, provided that the activity causing the noise is necessary to the farm or business operation.

Section 7. WAIVER

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

Section 8. PENALTY

Any person who shall violate this Ordinance shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than \$500.00

Section 9. 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 this Ordinance.

Section 10. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication in a newspaper of general circulation within the Township.

The undersigned Supervisor and Clerk of the Township of Goodland hereby certifies that this Ordinance was duly adopted by the Goodland Township Board at a meeting held on the 28th day of November 1995 and was published in the Tri-City Times on the 20th day of December 1995.

*Ronald Cischke, Supervisor
Anna Maria Calianno, Clerk*

******This ordinance became effective January 19, 1996******