

PART 1
NOISE DISTURBANCES

Section 101. Prohibiting Unnecessary Noises. It is hereby found and declared that:

1. The making and creation of loud, unnecessary or unusual noises within the limits of the Township of Marion is a condition which has existed for some time and the extent and volume of such noises is increasing:

2. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged unusual or unnatural in their time, place and use affect are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Township of Marion; and

3. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Township of Marion, and its inhabitants. (Ord. 9/16/1998)

Section 102. Unlawful Noises. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of Marion Township. (Ord. 9/16/1998)

Section 103. Defining Prohibited Unnecessary Noises. The following acts, are hereby declared to be loud, disturbing and/or unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

1. Radios, Phonographs, etc.. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock PM and seven o'clock AM in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

2. Loud Speaker, Amplifiers for Advertising. The using, operating or permitting to played, used or operated, at any time of day, of any radio receiving set, musical instrument, phonograph loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
3. Yelling, Shouting, etc.. Yelling, shouting, hooting, whistling or singing on the public streets and roads, particularly between the hours of eleven (11:00) PM and seven (7:00) AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
4. Animals, Birds, etc.. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
5. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
6. Defect in Vehicle or Load. The use of any automobile, motorcycle or vehicle so out of repair and/or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- Hawkers, Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
7. Drums and Musical Instruments. The use of any drum or musical instruments, other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
8. File Drivers, Hammers, etc.. The operation between the hours of ten (10:00) PM and seven (7:00) AM of any pile driver, steam shovel, bulldozer, or any other excavation equipment, pneumatic hammer, derrick, steam or electric noise or other applicance the use of which is attended by loud or unusual noise.
9. Loud Automobiles, Motorcycles, Scooters, Snowmobiles. The operation and/or use of any loud automobile, motorcycle, scooter, snowmobile and other vehicles which cause or emit or are so used to cause or emit or create any excessive, unnecessary and avoidable noise, as to disturb the peace and quiet of the streets, roads, and public places in the Township of Marion.
(Ord. 9/16/1998)

Section 104. Penalty for the Violation. Any person who violates any provision of this Chapter shall be deemed guilty of a summary offense and upon conviction thereof shall be fined not less than one hundred (\$100.00) dollars and not exceeding three hundred (\$300.00) dollars; or by imprisonment not more than ninety (90) days, or both said fine and said imprisonment.

(Ord. 9/16/1998)

Attest: Deborah Bailey

Deborah Bailey, Secretary

David M. Kay

David M. Kay, Chairman

Clair F. Bailey

Clair F. Bailey, Vice Chairman

Brian L. Gaiser

Brian L. Gaiser, Road Master

Date: September 16, 1998