# ORDINANCE NO. 617

An ordinance to amend Article VIII of Ordinance 379 of the Charter Township of Genesee by adding Section 8.18 which shall prohibit certain audible sounds from sound systems in motor vehicles and prohibit certain types of barking, yelping or howling by dogs, which shall provide penalties for violation thereof, provide for the repeal of any conflicting ordinances, provide for severability of parts of the ordinance and provide the effective date of the ordinance.

# THE CHARTER TOWNSHIP OF GENESEE ORDAINS:

That Article VIII of the Code of Ordinances of the Charter Township of Genesee is hereby amended to read as follows:

## Section 8.18

1. **Sound Systems in Motor Vehicles:** No person operating or in control of a stopped or moving motor vehicle shall operate or permit the operation of a sound system in the vehicle so as to produce sound that is clearly audible fifty (50) feet from the vehicle between 7:00 a.m. and 10:00 p.m., or clearly audible twenty-five feet from the vehicle between 10:00 p.m. and 7:00 a.m.; provided however, this section shall not apply to the sound system of a police, fire, or other public service motor vehicle

while the public service vehicle is being used in the performance of public service work.

1. **Barking Dogs:** No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall cause annoyance to the people in the neighborhood.

## Article I - Violations

* 1. **Violations:** Any person, firm or corporation violating any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and be subject to the following:
		1. **First Offense:** The civil fine for a first offense infraction shall be no less than One Hundred Fifty Dollars ($150.00);
		2. **Second Offense:** The civil fine for a second offense infraction shall be

no less than Two Hundred Fifty Dollars ($250.00);

* + 1. **Repeat Offense:** The civil fine for any infraction which is a third or greater offense shall be no less than Five Hundred Dollars ($500.00). [MCL 125.3407]
		2. In addition to the above civil fines, upon an admission or finding of responsibility for a municipal civil infraction, the Township shall also be entitled to reimbursement for all costs, expenses, and/or charges incurred by the Township in the prosecution of the municipal civil infraction violation.
		3. The Township may also utilize all other sanctions authorized and provided for in Chapter 600 of the Revised Judicature Act of 1961, Subchapter 87, being MCLA

§600.8701 through §600.8735, as amended, in prosecuting municipal civil infraction violations.

* + 1. Failure of an alleged violator to appear within the time specified in a municipal civil infraction citation or at the time scheduled for hearing or appearance shall be a misdemeanor and the penalty shall be a fine not to exceed $500.00, or imprisonment in the Genesee County Jail for a term not exceeding 90 days, or both fine and imprisonment.
		2. A municipal civil infraction action brought for a violation of this ordinance shall follow the procedures set forth in chapter 600 of the Revised Judicature Act of 1961, including Subchapter 87 therein, specifically MCLA §600.8701 through

§600.8735, as amended.

* 1. **Rights and Remedies are Cumulative:** The rights and remedies provided in this Ordinance are cumulative and are in addition to any other remedy provided by law.

## Article II - Severability

2.01 **Severability:** The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it will not affect any other part or portion thereof.

## Article III - Repeal

3.0**l Repeal:** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## Article IV - Effective Date

4.01 **Effective Date:** This Ordinance becomes effective upon publication after its adoption and shall be published in a newspaper circulated within the Charter Township of Genesee, Genesee County, Michigan.

Introduction:

December 14 ,202 1

First Publication:

December 22,2021

Adoption:

December 23,2021

Second Publication:

December 29. 2021

# CERTIFICATION:

We, the undersigned, being respectively the Township Supervisor and Township Clerk of the Charter Township of Genesee, Genesee County, Michigan, do hereby certify that the above Ordinance was duly adopted by the Township Board of the Charter Township of Genesee at which meeting a quorum was present.

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Daniel Eashoo

Supervisor

Charter Township of Genesee

Clerk

Charter Township of Genesee