

TOWNSHIP OF ALMONT

COUNTY OF LAPEER

ORDINANCE NO. 63

NOISE CONTROL AND PUBLIC NUISANCE ORDINANCE

Title

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Almont Township, Lapeer County, Michigan, by the regulation of noise, odor and production of dust within Almont Township and to provide the penalties for the violation thereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ALMONT, LAPEER COUNTY, MICHIGAN ORDAINS:

**Section 1. Short Title.**

This Ordinance shall be known and cited as the Almont Township Noise Control and Public Nuisance Ordinance.

**Section 2. Definitions**

The following terms used in this Ordinance are defined as follows:

Decibel - a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound press measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of  $2 \times 10^{-5} \text{N/m}^2$  (Newtons per meter squared). As an example of the effect of this formula, a 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10 fold increase or decrease to 1/10th of the former intensity.

Db(A) - the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

### **Section 3. Noise Control Regulations**

- A. General regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.
- B. Specific Regulation. The following noises and disturbances are hereby declared to be a violation of this Ordinance; however, 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 unreasonably upset or disturb the quiet, comfort or repose of other persons.
  2. Yelling, shouting, hooting, or singing on the public streets between the hours of 10 p.m. and 7 a.m. or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
  3. The emission or creation of any excessive noise which interferes with the operation of any school, church, hospital or court.
  4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking or howling can be clearly heard from nearby residential property.
  5. The operation of an 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 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 section.

6. The sounding of any horn or other device on any motor vehicle unless necessary to operate the vehicle safely or as required by the Michigan Motor Vehicle Code or Uniform Traffic Code.
7. 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 section.
8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 8:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or Ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.
9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
10. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, is unreasonably disturbing to other persons in the vicinity.
11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets within the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises is easily heard from nearby adjoining residential property.
12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is unreasonably disturbing to the quiet, comfort or repose of any person.
13. The operation of any race track or 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. No off road vehicle shall be operated within 500' of a residence unless such residence is occupied by the operator of the off road vehicle.

14. The discharge of any firearm in groups of three or more, which discharge is not in compliance with Michigan statutory law and which unreasonably disturbs the quiet, comfort, or repose of any person in the vicinity.
15. The discharge of any firearm before dawn and/or after dusk, whether such discharge of a firearm is done in a group of three or more or by an individual acting alone.
16. The continual discharge of a firearm for target practice, the sighting in of a firearm, or activities substantially related thereto, shall not continue for a period longer than one hour from dawn to noon and again from noon to dusk for a total of two hours in any 24 hour period.
17. No person shall operate or maintain any machine, devise, apparatus or instrument between the hours of 6:00 p.m. and 11:00 p.m. which will cause reasonably preventable electrical interference with the operation of any radio or television receiving set.

C. Exceptions. None of the prohibitions stated herein shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Almont Township, or the County of Lapeer, between sundown and 8 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Farming operations or activity which is done in compliance with the Generally Acceptable Agricultural Management Practices (GAAMPS) in an area properly zoned for the activity.
4. Warning devices emitting sound for warning purposes as authorized by law; i.e. car alarms, when properly attended to by the owner.

#### **Section 4. Decibel Measurement Based Upon dB(A) Criteria.**

In order to regulate and provide prima facie evidence of violations occurring under Section 3 of this Ordinance, any noise in excess of the maximum decibel limits stated below is deemed to be in violation of this Ordinance.

A. Noise Levels. Regulations of decibel measurement of noise originating from or noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this Ordinance. Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations:

1. Residential: 8 a.m. - 8 p.m.: 55dB(A) and 8 p.m. - 8 a.m.: 50 dB(A)
2. Agricultural districts located within 500 feet of any dwelling under separate ownership: 8 a.m. - 8 p.m.: 55dB(A) and 8 p.m. - 8 a.m.: 50 dB(A)
3. Agricultural districts located at least 500 feet from any dwelling under separate ownership: 8 a.m. - 8 p.m.: 65dB(A) and 8 p.m. - 8 a.m.: 55 dB(A)
4. Commercial: 8 a.m. - 8 p.m.: 65dB(A) and 8 p.m. - 8 a.m.: 55 dB(A)
5. Industrial: 8 a.m. - 8 p.m.: 62dB(A) and 8 p.m. - 8 a.m.: 57 dB(A)
6. Any area located within 500 feet of a hospital regardless of zoning district: 8 a.m. - 8 p.m.: 65dB(A) and 8 p.m. - 8 a.m.: 50 dB(A)
7. Harmonic or pure tones, and periodic or repetitive impulse sounds shall be in violation when such sounds are at a sound level of 5 dB(A) less than those listed above.

B. Exceptions. The following exceptions shall apply to the provisions of Section 4A.

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.

2. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
3. Noises occurring between 8 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in Section 4A by more than 20 dB(A).
4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized by and in accordance with Michigan law and Almont Township Ordinances.
5. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal non-conforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
  - a. The noise level emitted by such use at the time it became a legal non-conforming use.
  - b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

C. Measurement of Noise. All measurements of dB(A) stated in this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.

#### **Section 5. Public Nuisance Regulations.**

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

#### **Section 6. Penalties.**

Any person, firm or corporation found violating the provisions of this Ordinance, shall be responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions for each infraction. Repeat

offenses of this Ordinance shall be subject to increased fines as provided for in the Almont Township Civil Infraction Ordinance, being Ordinance No. 48, as amended.

**Section 7. Repeal of Conflicting Provisions.**

A. Ordinance No. 34.2. Almont Township Nuisance and Blight Ordinance, being Ordinance No. 34.2 adopted on February 13, 2006 is hereby repealed in its entirety.

B. General Repeal. All Ordinances or parts thereof in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 8. Severability.**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the validity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**Section 9. Publication.**

A true copy of this Ordinance or summary thereof shall be published in the Tri City Times, a newspaper of general circulation in the Township of Almont, within 30 days after its adoption. A complete copy of the Ordinance is available for inspection by the public at the Township Clerk's office.

**Section 10. Effective Date.**

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary thereof as provided in Section 9.

**CERTIFICATION OF TOWNSHIP CLERK**

I hereby certify that the attached constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Almont Township, Lapeer County, Michigan at a meeting held on the 11th day of May, 2015.

I hereby further certify that the following Township Board Members were present at the meeting:

BOWMAN, HOFFNER, KUDSIN, MOORE, STREETER, STROUP, GROESBECK.

and the following Township Board Members were absent:


NONE.

I further certify that Member STROUP moved for the adoption of the Ordinance, and that Motion was supported by Member KUDSIN.

I further certify that the following Almont Township Board Members voted for the adoption of the Ordinance.

KUDSIN, HOFFNER, GROESBECK, MOORE, STREETER, STROUP, BOWMAN.

and that the following Almont Township Board Members voted against adoption of the Ordinance: NONE.

  
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Carol Hoffner, Clerk  
Township of Almont



**CERTIFICATE OF PUBLICATION**

I, the undersigned Township Clerk of the Township of Almont, do hereby certify that on MAY 20, 2015, the foregoing Ordinance, or Summary thereof, was duly published in the TRI CITY TIMES, a newspaper having general circulation within the Township of Almont.



Carol Hoffner, Clerk  
Township of Almont