

100.000 - NOISE AND PUBLIC NUISANCE ORDINANCE Ord. No. 06-006 Adopted: December 18, 2006

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Atlas Township, Genesee County, State of Michigan, by the regulation of noise within said Township; to prescribe the penalties for the violation thereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ATLAS, GENESEE COUNTY, MICHIGAN, ORDAINS:

100.001 - Title.

Sec. 1. This ordinance shall be known and cited as the Atlas Township Anti-Noise and Public Nuisance Ordinance.

100.002 - Definitions.

Sec. 2. The following terms used in this ordinance are defined as follows:

- A. "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 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 three-decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a ten-decibel change corresponds to a ten-fold increase or decrease to one-tenth the former intensity.
- B. "dB(A)" means 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 § 1.4-1971.

100.003 - Anti-noise regulations.

Sec. 3.

- 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 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 thereby 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. 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 can be clearly heard from nearby residential property.
3. 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 section.
4. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
5. 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 7:00 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.
6. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
7. 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, shall be unreasonably disturbing to other persons in the vicinity.
8. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.

9. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
 10. 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.
- C. *Exceptions.* None of the prohibitions hereinbefore enumerated 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, Atlas Township, or the County of Genesee, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
 3. Warning devices emitting sound for warning purposes as authorized by law.

100.004 - Anti-noise regulations based upon dB(A) criteria.

Sec. 4. In order to regulate and prove violations occurring under Section 3 of this ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this ordinance.

- A. *Regulations for decibel measurement of noise originating from private properties.* 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 the following districts and times 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:

Residential Zoning Districts Commercial Zoning:

Limitations: 7 a.m.—10 p.m.: 55db(A); and
10 p.m.—7 a.m.: 50 db(A)

- B. *Regulations for decibel measurement of motor driven vehicles on public roads.* All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of a least 50 feet (or 15 meters) from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (seven and one-half meters) and if this is done, six dB(A) shall be added to the

limits provided below. All such noises in excess of the dB(A) as provided herein shall be 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.

Trucks and buses—Weight: Over 10,000 lbs. gross weight, dB(A) maximum limitation: 82 dB(A)

Trucks and buses—Weight: Under 10,000 lbs. gross weight, dB(A) maximum limitation: 74 dB(A)

Passenger cars—Any weight, dB(A) maximum limitation: 74 dB(A)

Motorcycles, snowmobiles and mini-bikes—Any weight, dB(A) maximum limitation: 82 dB(A)

All other self-propelled motor vehicles—Any weight, dB(A) maximum limitation: 74 dB(A)

- C. *Measurement of noise.* All measurements of dB(A) according to subparagraphs A and B of 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.

100.005 - Public nuisance regulations.

Sec. 5. 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.

100.006 - Validity.

Sec. 6. The several provisions of this ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

100.007 - Penalties.

Sec. 7. Violation of this ordinance is a municipal civil infractions. In addition to pursuing a municipal civil infraction proceeding, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive. Each day a violation of this ordinance shall exist shall be deemed a separate offense. In addition to a fine to be determined by the township board, the court, at its discretion, may award other costs, attorney's fees, damages, expenses and other remedies as provided by law.

(Amended: Ord. No. 16-02, §§ 1, 2, 6-20-16)

100.008 - Effective date.

Sec. 8. This ordinance shall take effect 30 days from the date of publication.