

ARTICLE I. - NON-VEHICULAR NOISE

Summary of Changes

The revised noise ordinance below removes subjective standards and regulates all noises with a decibel table. It also removes exemptions and special regulations for all specific activities except construction.

Because vehicle traffic often makes the ambient sound level louder than the existing limit, the new decibel table has moderately higher levels than previously allowed. Night-time levels in restricted areas are unchanged.

Construction is given a special exemption at 8:00 AM instead of 7:00 AM, and the maximum decibel level in that time is 95 decibels at the property line instead of 105 decibels. Construction at other times is regulated by the decibel table. The exemption now applies on Sundays.

There are now more specific rules for who is responsible for a noise violation. Before, any occupant of a dwelling involved in a noise violation could be punished with up to 240 hours of community service because of past violations at that dwelling. This applied even if the person was not a resident of that property at the time of past violations. Violations on private property are now punished by a \$100 fine, and the planner of the violating activity is responsible. If an officer informs the planner of the violation, but the planner does not take reasonable steps to stop the violating activity, there are additional fines.

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9:360. - Applicability.

The provisions of Article I apply to all sources of sound except: 1) motor vehicles (as defined in the State Motor Vehicle Code, 1949 P.A. 300 (MCLA 257.1 et seq.) in operation on a public right-of-way; 2) aircraft in flight or in operation at an airport; 3) railroad equipment in operation on railroad rights-of-way.

9:361. - Definitions.

As used in this Article:

- (1) "*dB(A)*" means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the fast meter response, as specified in American National Standards Institute standard S 1.4-1971.
- (2) "*Commercial*" means a use of the property for purposes other than residential.
- (3) "*Residential*" means a legal use of property for temporary or permanent dwelling

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purposes.

9:362. - Maximum permissible sound levels.

No person may conduct or permit an activity that creates a dB(A) exceeding the standards below on a property not owned or controlled by that person.

Use of Property Receiving the Sound	7:00 AM to 10:00 PM	10:00 PM to 7:00 AM
Residential (Restricted Mixed Use)	70	55
Commercial or Public Land (Mixed Use)	80	75

9:363. – Limited exemption for construction and power equipment.

The following activities are exempted from the sound level limitations of section 9:362:

1. Construction, repair, remodeling, demolition, excavation work, drilling, wood cutting, and the of operation power equipment conducted between 8:00 a.m. and 8:00 p.m, which does not produce a sound level exceeding 95 dB(A) beyond the property line of the property on which the work is being conducted. The persons to whom this subsection applies shall include, but not be limited to, construction managers, foremen, property owners, developers, contractors, and subcontractors who direct, order, require, authorize, or commission another person to perform these activities in a manner that violates this section. If the person is an entity, this subsection shall also apply to the officers, directors, partners, limited liability company members, or other individuals constituting such entity.

9:364. - General exemptions.

- (1) The following activities are exempted from the sound level limitations of section 9:362:
 - (a) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.
 - (b) Sound made to alert persons to the existence of an emergency, danger, or attempted crime.
 - (c) Activities or operations of governmental units or agencies.
 - (d) Parades, concerts, festivals, fairs or similar activities subject to any sound limits

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in the approval by the city.

- (e) Regular activities or operations of governmental units or agencies provided the activity is approved in advance and in writing by both the department head or agency director and the Administrator.
- (f) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.
- (g) Devices or activity creating sound made to alert persons to the existence of an emergency, danger, or attempted crime.
- (h) Equipment and activities creating sound from the collection of solid waste, as defined in Chapter 26, within the Downtown District, as defined in Chapter 7, after 6:00 a.m. and before 10:00 p.m.

9:365. - Temporary exemptions.

- (1) The city administrator is authorized to grant a temporary exemption from the maximum permissible sound levels established by this article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought.
- (2) The following factors shall be considered by the administrator in determining whether to grant a temporary exemption:
 - (a) The balance of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance.
 - (b) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article.
 - (c) The level of the sound to be generated by the event or activity.
 - (d) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested.
 - (e) The time of day or night which the activity or event will take place.
 - (g) The nature of the sound to be produced, including but not limited to, whether the sound will be steady, intermittent, impulsive, or repetitive.
- (3) A temporary exemption must be in writing and signed by the administrator or his appointed representative and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective and the dB(A) level(s) authorized.
- (4) A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days.

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9:366. – Responsibility for violations on public property

- (1) If one or more people perform an activity on public property that violates this article, each person participating in the activity is responsible for the violation.
- (2) The penalty for a violation on public property shall be a civil infraction punishable by a warning for a first offense. For a second offense within a 1-year period, the penalty shall be a fine of \$100. For a third offense within a 1-year period, the fine shall be \$200. For subsequent offenses within a 1-year period, the fine shall be \$500.00.

9:367. – Responsibility for violations on private property

- (1) If one or more people perform an activity on private property that violates this article, the person who planned the activity is responsible for the violation. If the planner cannot be determined, and the activity is in a dwelling or other space occupied by one or more people, each occupant of the space is responsible for the violation. If the occupants of the dwelling or space cannot be determined, or the activity is in a space without occupants, the property owner is responsible for the violation.
- (2) If one or more people trespass on private property and perform an activity that violates this article, only the trespassers are responsible for the violation.
- (3) The penalty for a violation on private property is a civil infraction punishable by a fine of \$100.
- (4) If an employee of the city makes a reasonable effort to inform the persons responsible for a violation on private property that a violation is occurring, and the people responsible for the violation fail to take reasonable steps to end the activity within 30 minutes, an additional violation exists. An additional violation exists for every 30 minutes that the people responsible do not take reasonable steps to end the activity. The penalty for additional violations shall be a civil infraction punishable by a fine of \$200.