

Whitefish Township Noise Ordinance

CHAPTER 1

1.01 This Ordinance shall be known and cited as the Whitefish Township Noise Nuisance Ordinance.

1.02 As used in this Ordinance, the following words have these meanings:

“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.

“Residential” means a legal use of property for temporary or permanent dwelling purposes.

“Commercial” means a use of property that is developed with or zoned for business, such as offices, stores, theaters, restaurants, hotels, medical office, and service stations.

“Industrial” means a use of property that is zoned to permit certain types of industries.

“Property Line” means the imaginary line, which represents the legal limits of property (including an apartment, condominium, room, or other dwelling unit) owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the “property line” shall be the nearest boundary of the public right-of-way.

CHAPTER II

2.01 General Regulations. No person, firm, or corporation shall cause or create any unreasonable or unnecessary loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of Whitefish Township.

2.02 Specific Violations. The following noises and disturbances are hereby declared to be a violation of this Ordinance provided that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:

(a) The operating or maintaining of noise making, noise amplifying or noise producing instruments or devices in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons. Such devices shall include, but not be limited to, radios, phonographs, televisions, musical instruments and any other mechanical sound-producing device.

(b) Yelling, shouting, hooting, or singing between the hours of 10:00 o'clock p.m. and 7:00 a.m. in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

(c) The emission or creation of any excessive noise, which unreasonably interferes with the operation of any school, church, hospital or court.

(d) The keeping of any animal, bird, or fowl, which emits 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 in which barking can be clearly heard from nearby residential property.

(e) The operation of any motor vehicle which is out of repair, or so loaded or constructed as to cause loud and unnecessary noise including 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.

(f) The sounding of any horn or other device on a motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

(g) 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 noises or disturbance unreasonably annoying to other persons other than between the hours of 7:00 a.m. and sundown on any day, excepting cases of urgent necessity in interests of public health and safety.

(h) The use of any drum, loud speaker 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.

(i) Under no circumstances shall any racetrack, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

(j) The permitting of a motor vehicle to stand idling for a period of excess of ten minutes between the hours of 11:00 p.m. and 7:00 o'clock a.m. at such a location in which said noise generated from the idling vehicle is audible to nearby properties and unreasonably disturbs the quiet, comfort or repose of other persons.

(k) No person shall conduct or permit any activity that produces dB (A) beyond the property line exceeding the level specified in the following table. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurement made on the portion of the property used solely for residential purposes.

	Limitations	Limitations
	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.
Residential	75 db(A)	70 db(A)
Commercial	80 db(A)	75 db(A)
Industrial	85 db(A)	80 db(A)

The following exceptions shall apply to these regulations under this subsection:

- a. Construction projects shall be subject to the maximum permissible noise levels specified for industrial district as long as a valid zoning permit has been issued by the Township and a valid building permit has been issued by the County and are currently in effect;
- b. Noises caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified by more than twenty db(A) and does not extend beyond sundown.

2.03 Exceptions. None of the prohibitions contained in this Ordinance shall apply to the following:

- (a) Any law enforcement vehicle, ambulance, fire engine or emergency vehicle, while engaged in necessary emergency or law enforcement activities.
- (b) Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Whitefish Township, or the County of Chippewa.
- (c) Warning devices emanating sound for warning purposes as authorized by law.

2.04 Misdemeanor and Penalty. A person, firm or corporation found violating the provisions of this Ordinance, shall upon conviction be punished by a fine not to exceed One Hundred (\$100.00) Dollars, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, at the discretion of the court. Each day, a violation shall be enforced by suit for injunction, damages or other appropriate legal action.

CHAPTER III

3.01 Saving Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER IV

This amendment shall be in full force and effect thirty (30) days following notice in a newspaper of general circulation in the Township.

CHAPTER V

5.01 Effective Date. This Ordinance shall be in full force and effect on the ____ day of _____, _____.

Township Supervisor

Township Clerk

Approved:

Township Attorney

DATE ADOPTED _____, _____, _____

DATE PUBLISHED _____, _____, _____

Definitions

Noise pollution is excessive, displeasing human, animal or machine-created environmental noise that disrupts the activity or balance of human or animal life.

The source of most outdoor noise worldwide is mainly construction and transportation systems, including motor vehicle noise, aircraft noise and rail noise. Poor urban planning may give rise to noise pollution, since side-by-side industrial and residential buildings can result in noise pollution in the residential area.

Indoor and outdoor noise pollution sources include car alarms, emergency service sirens, mechanical equipment, fireworks, compressed air horns, grounds keeping equipment, barking dogs, appliances, lighting hum, audio entertainment systems, electric megaphones, firearms, and loud people.

A noise ordinance is a law created at local levels that pertains to the amount of noise, duration of noise, and source of sounds other than ambient noise that affect a community's inhabitants. Basically, a noise ordinance defines which sounds are and are not acceptable at any given time so that residents can live comfortably within a community in terms of the sounds that they hear. A city or county noise ordinance is usually effective during certain times of the day. A noise ordinance typically applies at night during the times when most people sleep. Violations of a noise ordinance are often reported to police or local officials by individuals who are disturbed by sound and feel that an ordinance has been violated.

Sounds or noises that are usually defined in a noise ordinance are those commonly produced by residents, but many ordinances also include industrial and commercial facilities if they are located near residential areas. Examples of noises that might violate a noise ordinance are barking dogs, loud music, power tools, cars or motorcycles with excessively loud engines, fireworks or explosives, and shouting. A noise ordinance is designed to keep a community's residents comfortable in their own homes. In other words, if you can hear noises while trying to sleep and those noises are intentionally caused by other residents in the area, you could report a violation of a noise ordinance. Many people have conflicting views of ordinances that limit sound, with the opposition claiming that such laws violate certain rights. Noise ordinances are handled differently by every community, with some local officials continually reviewing their community's noise ordinance and updating it as necessary.

The decibel meter measures the sound pressure and provides a reading in decibels for the convenience of the user. Some may also provide readings in other units of measurement, depending on the uses they are intended for. Decibel meters are often designed to be portable so that people can move them around as needed, and are often

hand held, although sometimes they can be part of a permanent instrument array which is designed to take continuous measurements in a given area.

One application in which a decibel meter can be used is in the reinforcement of municipal codes. Many municipalities bar sounds above a certain decibel level for safety and comfort, and may have restrictions on noise during certain hours. Township officers can carry decibel meters to determine whether or not a sound is violating the noise ordinance.