

**ORDINANCE NO. 62**

**TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN**

**NOISE ORDINANCE**

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Whiteford Township, Monroe County, Michigan by the regulation of noise within said township; to prescribe the penalties for the violation thereof.

The Township of Whiteford, Monroe County, Michigan ordains:

**Section 1. Title**

This Ordinance shall be known and cited as the "Whiteford Township Noise Ordinance."

**Section 2. Purpose**

Pursuant to its statutorily authorized power to enact ordinances for the purpose of preserving and protecting the general health, safety and welfare, the Whiteford Township Board of Trustees hereby enacts the following Noise Ordinance, the purpose of which is to prohibit excessive, unnecessary, unnatural, or unusually loud noises, or which are prolonged, unusual, and unnatural in their time, place and use, and which disturb the peace and comfort of the public, or are a detriment to the public health, comfort, safety, welfare, peace and prosperity of the general public, and to provide penalties for the violation of this Ordinance.

**Section 3. Definitions**

- A. Decibel means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American National Standards Institute, Standards S 1.1-1960, as said standards may be amended from time to time.
- B. dB(A) means decibels measured on the A-weighted network of a sound level meter, as specified by the American National Standards Institute, Standard S 1.4-1971, as said standards may be amended from time to time.
- C. Exhaust system means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts into the atmosphere.
- D. Muffler means a device for abating the sound of escaping gases of an internal combustion engine.
- E. Noise means any sound audible to the human ear.
- F. Registered weight means the weight of the motor vehicle specified on the registration, as defined by state law.
- G. Sport shooting means shooting rifles, arrows, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar shooting.

#### **Section 4. General Prohibited Noise**

- A. A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established within this Ordinance.
- B. It shall be unlawful for any person or entity to make, maintain, or cause to be made or continued, any excessive, unnecessary, unnatural, repeated, prolonged or unusually loud noise, or any noise which annoys or disturbs or injures or irritates or unreasonably impairs the comfort, repose, health, or peace of another, within the limits of Whiteford Township.
- C. It shall be unlawful for the owner of any premises within Whiteford Township, and for the occupant or person in possession of any premises within Whiteford Township, whether individual, corporate or otherwise, to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged or unusually loud noise, or any noise which annoys or disturbs or injures or irritates or unreasonably impairs the comfort, health, or peace of another, within the limits of Whiteford Township.

#### **Section 5. Specific Noises Prohibited; Standards**

The following noises and acts are hereby declared to be excessive, unnecessary, unnatural, or unusually loud which annoy, disturb, injure or unreasonably impair the comfort, repose, health, or peace of others in violation of this Ordinance, said specification is not to be construed to exclude other violations not enumerated:

- A. The playing of any radio, 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, or at any time at a volume unnecessary for the convenient listening of the person or persons in the room, vehicle or chamber in which such machine or device is being operated and who are voluntary listeners thereof. The operation of any such radio, television or other such machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located or which is plainly audible in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section.
- B. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital, funeral, memorial service, burial service or court proceeding.
- C. 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.

## **Section 6. Exceptions**

The noise prohibitions set forth within this Ordinance shall not apply to the following:

- A. Any police vehicle, ambulance, fire engine, or other emergency vehicle while engaged in necessary emergency activities.
- B. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Whiteford Township, or Monroe County, between sundown and 7:00 a.m. when the public welfare, health, safety or convenience renders it impossible to perform such work during other hours.
- C. Noises emitted from warning devices for the purpose of notifying individuals or the public at large as authorized by law.
- D. A property owner or an individual lawfully on the property of another hunting or sport shooting, when the activity conforms to all other local, state and federal regulations governing said activity.
- E. A public or private organization that has received prior approval from the Board of Trustees, which approval may be granted at its discretion, to hold an event that is attended by the public. The Board of Trustees may attach reasonable conditions to approval, such as limiting the duration of the event and requesting that activities exceeding the noise prohibitions set forth in this Ordinance be limited between to 7 a.m. and 10 p.m.
- F. Noise emitted from public schools, parks and township property.
- G. Noise emitted by public or private golf courses and golf driving ranges when the activity conforms to all other local, state and federal regulations governing said activity.

## **Section 7. Noise Regulations based upon dB(A) Criteria**

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

- A. 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 a violation of this Ordinance:

Zoning Classification (as defined in the Whiteford Township Zoning Ordinance)	Allowable Max. # of Decibels between 7:00 a.m. and 10:00 p.m.	Allowable Max. # of Decibels between 10:00 p.m. and 7: a.m.
Residential (RA, RB, RC, R-MHP)	55	50
Commercial (B-1, B-2, B-3, BH)	65	55
Industrial (M-1, M-2) and Quarry	65	55
Agricultural (AG-1, AG-2)	65	55

- B. 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.
- C. The following exceptions shall apply to these regulations under this section:
- a. Construction projects shall be subject to the maximum permissible noise levels for industrial and commercial districts as long as a valid building permit has been issued by the township and is currently in effect.
  - b. All railroad operations shall be subject to the maximum permissible noise levels specified for industrial or commercial districts, regardless of the zone in which they are located.
  - c. Noises occurring between 7:00 a.m. and 10:00 p.m. caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations set forth in Section 7A by more than 20 dB(A).
  - d. Noises emanating from the discharge of firearms are excluded, providing that the discharge was authorized under Michigan law and all local ordinances.
  - e. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use, as defined by the township zoning ordinance and any amendments thereto, 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:
    - i. The noise level emitted by such use at the time it became legal non-conforming use as a result of the enactment of an amendment of the township zoning ordinance, if available.
    - ii. 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.
- D. All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet from a noise source located within the public right-of-way. If measurement at 50 feet is not feasible, measurement may be at 25 feet and if this is done, 6 dB(A) shall be added to the

limits provided. All such noises in excess of the dB(A) 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.

Type of Vehicle	Registered Weight	Allowable Max. # of dB(A)
Trucks and Buses	Over 10,000 lbs gross weight	74
Trucks and Buses	Under 10,000 lbs gross weight	74
Passenger Cars	Any weight	74
Motorcycles, Snowmobiles Off-Road Vehicles and mini-bikes	Any weight	74
All other Self-Propelled Motor Vehicles	Any weight	74

- E. All measurements of dB(A) according to 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.
- F. A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipating device, or is equipped with a cut-out, amplifier or similar device.
- G. A person either acting for himself or as an agent or employee of another, shall not sell, install or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established within this Ordinance.

**Section 8. Shooting Ranges**

A person who owns, operates or uses a sport shooting range that conforms to the conditions set forth in the Sport Shooting Ranges Act (M.C.L. 691.1541 et seq.) and to generally accepted operation practices in the State of Michigan will not be deemed to have violated this Ordinance, if the shooting range is in compliance with any noise control laws or ordinances that applied to the shooting range and its operation at the time of its construction or initial operation of the range.

**Section 9. Severability**

If any provision, section, paragraph, sentence, clause or phrase of this Ordinance is for any reason found to be invalid or inoperative by a court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

**Section 10. Penalties**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous similar violation.

**Section 11. Conflicting Ordinances**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 12. Effective Date**

The provisions of this Ordinance shall take effect thirty (30) days after publication.

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF WHITEFORD, COUNTY  
OF MONROE, STATE OF MICHIGAN

AUTHENTICATED:

By: Angela Christensen  
Angela Christensen,  
Whiteford Township Clerk

By: Walter Ruhl  
Walter Ruhl,  
Whiteford Township Supervisor

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Township Board of the township of Whiteford, County of Monroe, State of Michigan, at a regular meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 18th day of March, 2014.

The vote on said Ordinance, 5 members being present and 0 members being absent, was as follows:

AYES: Sahloff, Hill, Heidelberg, Christensen, Ruhl

NAYS: 0

I, Angela Christensen, the Township Clerk of the Township of Whiteford, do hereby certify that this Ordinance, or a summary of it, was published on the 26th day of March, 2014 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: March 26, 2014

  
Angela Christensen,  
Whiteford Township Clerk

ATTEST:

  
Walter Ruhl,  
Whiteford Township Supervisor

ADOPTED: March 18, 2014

PUBLISHED: March 26, 2014

EFFECTIVE: April 26, 2014