

ARTICLE II. - NOISE^[2]

Footnotes:

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Federal law reference—*Railroad safety act of 1970, 49 USC 20101 et seq.*

State Law reference— *Motor vehicle noise, MCL 257.707 et seq.; off-road vehicle noise, MCL 324.81133.*

DIVISION 1. - GENERALLY

Sec. 20-21. - Definitions.

All terminology used in this article, not defined in this section or in other sections of this article, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient sound level means the noise associated with a given environment, exclusive of a particular noise being tested, being usually of a composite of sound from many sources near or far, exclusive of intruding noises from isolated identifiable source.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

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 the ANSI standard S1.1-1960.

Decibels on the A-weighted network (dBA) means decibels measured on the A-weighted network of a sound level meter as specified in the ANSI standard S14-1971.

Impulsive noise means noise characterized by a short burst of sound not exceeding ten seconds which significantly exceeds the ambient environmental sound pressure and dBA noise levels established for residential or commercial properties.

Industrial or commercial area means as defined in the zoning ordinance, included as appendix A to this Code.

Intermittent noise means a sound lasting more than ten seconds but not exceeding ten minutes which exceeds the ambient environmental level or dBA noise levels established for residential or commercial properties.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause any adverse psychological or physiological effect on humans.

Noise enforcement officer means any police officer or city employee who has been trained and certified as an operator of a sound level meter by the state department of transportation.

Noise level means the A-weighted sound level produced by motor vehicles or other sources as defined.

Nonsteady noise means a noise whose level shifts significantly during a period of observation. This nonsteady noise must be a recurring constant noise level which exceeds dBA levels established for residential or commercial properties before it can violate this article.

Period of observation means the time interval during which acoustical data are obtained on all dBA noise levels other than motor vehicles which is covered under a separate section. The period of observation is determined by the characteristics of the noise being measured and should be at least ten times as long as the response time of the instrumentation.

Perpetual noise means a sound that remains steady for 30 minutes and exceeds the dBA noise levels established for residential and commercial properties.

Person means any owner, operator, renter of a motor vehicle, residence, industrial or commercial property and any person in any private or public place open to the general public.

Residential area means as defined in the city zoning ordinance, included as appendix A to this Code.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighted networks used to measure sound pressure levels. This instrument shall comply with the standards for type 1 and type 2 sound level meters as specified in the ANSI standard S14-1971 or its successor.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. This sound pressure level is expressed in decibels.

(Code 1987, § 18-3; Ord. No. 81-121, § III, 9-8-1981)

Sec. 20-22. - Scope.

This article shall apply to the control of all noise originating within the limits of the city.

(Code 1987, § 18-1; Ord. No. 81-121, § II, 9-8-1981)

Sec. 20-23. - Exemption.

The operational performance standards established by this article shall not apply to any public performance being conducted in accordance with the provisions of a special permit granted by the city for the conduct of a public performance.

(Code 1987, § 18-2; Ord. No. 81-121, § VIII, 9-8-1981)

Sec. 20-24. - Interference with sound monitoring equipment.

It shall be unlawful for any person to remove or render inaccurate or inoperative any sound monitoring instrument or device positioned for the purpose of enforcing the provisions of this article.

(Code 1987, § 18-4; Ord. No. 81-121, § IV, 9-8-1981)

Sec. 20-25. - Electronically-amplified sounds from vehicles.

- (a) It shall be unlawful for any person operating or in control of parked or moving vehicle (including motorcycles and mopeds) to operate or permit the operation of an electronically-amplified sound system in or on the vehicle so as to produce sound that is clearly audible more than 50 feet from the vehicle. Commercial vehicles with products for sale shall be exempt from this section.
- (b) A violation of this section shall be considered a civil infraction subject to the penalties as provided in this Code.
- (c) This section shall not apply to:
 - (1) Any noise or music resulting from or accompanying activities of a temporary duration that are permitted by this Code;
 - (2) Parades and public gatherings for which the city council has granted approval;

- (3) Alarm systems;
- (4) Noise from safety signals and warning devices, including steam or compressed air whistles used as alarm signals; or
- (5) Noise arising from the official performance of duties by city ambulances, police and fire departments.

(Code 1987, § 31-1; Ord. No. 05-397, §§ (A)—(C), 5-17-2005)

Secs. 20-26—20-53. - Reserved.

DIVISION 2. - RESIDENTIAL NOISE

Sec. 20-54. - Unlawful noise.

(a) It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in or adjacent to residential property which is in excess of:

- (1) 65 dBA between 8:00 a.m. and 8:00 p.m.; and
- (2) 50 dBA between 8:00 p.m. and 8:00 a.m.;

within the city except those sections that specifically allow higher dBA levels for special purpose equipment such as used in construction or by special permit from the city.

(b) The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this division, but this enumeration shall not be deemed to be exclusive:

(1) *Horns and signal devices.* The sounding of:

- a. Any horn or signal device on any automobile, motorcycle, bus, train or other vehicle not in motion, except as a danger signal or to give warning of intent to go into motion or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle has begun;
- b. The creation by means of such signal devices of any unreasonably loud or harsh sounds; and
- c. The sounding of any signal device for any unreasonable or unnecessary period of time.

(2) *Radio, phonograph, musical instruments.* The playing of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder or player, or other electronic sound producing devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located shall be prima facie evidence of a violation of this division, unless tested with sound-monitoring equipment to determine if dBA levels set for residential areas have been violated.

(3) *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing or the making of any other loud noise on the public streets, between the hours of 8:00 p.m. and 8:00 a.m. exceeding 50 dBA or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence or in any office or of any persons in the vicinity.

(4) *Hawking.* The hawking of goods, merchandise or newspapers in a loud or boisterous manner.

(5) *Animal or bird noises.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person.

(6) *Whistle or siren.* The blowing of any whistles or sirens, as a signal for commencing work or suspending work or any other purpose except as alarm signals in case of fire, collision or other imminent danger.

(7) *Handling of merchandise.* The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, containers or the moving of any heavy material with heavy-duty equipment such as forklifts, tractors, etc.

(8)

Devices to attract attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.

- (9) *Engine exhaust.* The discharge into the open air of the exhaust of any steam engine or internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (10) *Motor vehicle or engine repairs.* Any person in the course of repairing or tuning any stationary internal combustion engine or repairing any part of a stationary motor vehicle may not exceed the decibel levels set out in this division so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence or in any office or of any persons in the vicinity.
- (11) *Construction noises.* The erection including excavation therefor, demolition, alteration or repair of or new construction of any building and the excavation of streets and highways on Sundays and other days between the hours of 8:00 p.m. and 8:00 a.m., unless a permit therefor be first obtained from the city, except for work on any public improvement and public service utilities within 600 feet of any building.
- (12) *Construction equipment.* It shall be unlawful for any person to use any pile driver, shovel, hammer derrick, hoist tractor, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 8:00 p.m. and 8:00 a.m. except for work on public improvements and work on public service utilities within 600 feet of any building used for residential or hospital purposes.
- (13) *Powered equipment and hand tools.* No person shall sell, lease, offer for sale or lease or use any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet or from the noise source to the property line of residential or commercial property during the hours of 8:00 a.m. and 8:00 p.m. The powered equipment and hand tools cannot be used between the hours of 8:00 p.m. and 8:00 a.m. except for work on public improvements and work on public service utilities.
- a. Construction and industrial machinery such as crawler-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors, and pneumatic powered equipment, etc., but not including pile drivers.

| Manufactured after | Noise limit |
|--------------------|-------------|
| January 1, 1972 | 94 dB(A) |
| January 1, 1973 | 88 dB(A) |
| January 1, 1975 | 86 dB(A) |
| January 1, 1980 | 80 dB(A) |

b. Agricultural tractors and equipment.

| Manufactured after | Noise limit |
|--------------------|-------------|
| January 1, 1972 | 88 dB(A) |
| January 1, 1975 | 86 dB(A) |

| | |
|-----------------|----------|
| January 1, 1980 | 80 dB(A) |
|-----------------|----------|

- c. Powered commercial or noncommercial equipment of 20 horsepower or less intended for infrequent use in a residential area such as chainsaws, pavement breakers, log chippers, powered hand- or table-mounted tools, woodworking tools, etc.

| Manufactured after | Noise limit |
|--------------------|-------------|
| January 1, 1972 | 88 dB(A) |
| January 1, 1973 | 84 dB(A) |
| January 1, 1980 | 80 dB(A) |

- d. Powered equipment intended for repetitive use in residential areas. Such equipment includes lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment, etc.

| Manufactured after | Noise limit |
|--------------------|-------------|
| January 1, 1972 | 74 dB(A) |
| January 1, 1975 | 70 dB(A) |
| January 1, 1978 | 65 dB(A) |

(14) *Noise or earth-shaking vibration.* Any emission of noise or earth-shaking vibration from any source in excess of the limitations established in or pursuant to this division shall be deemed and is hereby declared to be a public nuisance and may be subject to summary abatement procedures. Such abatement may be in addition to the administrative proceedings, fines and penalties provided for in this division. The city is empowered to secure the institution of legal proceedings through the corporation counsel for the abatement or prosecution of emissions of noise and earth-shaking vibrations which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public or cause or have a natural tendency to cause injury or damage to public or property. Such legal proceedings may be in addition to the administrative proceedings, fines and penalties provided for in this division.

- (c) Nothing in this section shall be construed to impair any cause, action or legal remedy therefor of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise or earth-shaking equipment or at such levels, so as to constitute a common law nuisance.

(Code 1987, § 18-42; Ord. No. 81-121, § VIA, B, 9-8-1981)

Sec. 20-55. - Test procedures.

- (a) In residential areas, any property use shall conform to the noise levels set out in section 20-54, provided that these noise levels shall in every case be applied at the boundaries of the lot on which such use is established.

| | |
|---------------------|---------------------|
| Noise level | Residential |
| 8:00 a.m.—8:00 p.m. | 8:00 p.m.—8:00 a.m. |
| 65 dBA | 50 dBA |

The maximum sound pressure levels established in this subsection are to be applied to the boundaries of a lot except for those noise level variances allowed in section 20-54(b).

- (b) All tests will be made with a type 2 or 1 sound meter and in conformity with ANSI standards S1.4-1961, S1.11-1966 and S1-12-179-1967.
- (c) Test procedures to determine whether maximum noise emitted by engine-powered equipment or powered hand tools, sold or leased, or offered for sale or lease or private use, meet the noise limits in section 20-54(a) shall be done with a type 2 or above sound meter and in substantial conformity with the standard and recommended practices established by the society of Automotive Engineers of the American National Standards Institute.
- (d) Test procedures to determine whether maximum noise levels are being violated will be conducted as follows:
- (1) *Residential noise.* The investigating officer will take a sound level reading with a type 2 sound meter from the property line of the complaining party in the direction of the noise source to determine if any violation of this division exists.
 - (2) *Powered equipment.* The investigating officer will take a sound level reading with a type 2 or 1 meter at the property line of a residence in the direction of the noise source or a distance of 50 feet from any powered equipment or powered hand tool being on other than residential property.

(Code 1987, § 18-43; Ord. No. 81-121, § VIC, 9-8-1981)

Sec. 20-56. - Retaliation.

If there is any evidence of retaliation by any person who has violated this division against any complainant or witness, such evidence shall be communicated to the district court magistrate. In sentencing any violator, the district court or magistrate shall first examine the evidence of retaliation, and if such is shown, shall consider such acts and sentence the violator accordingly.

(Code 1987, § 18-44; Ord. No. 81-121, § VID, 9-8-1981)

Sec. 20-57. - Penalty for violation.

Any person found violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any provision of this division is responsible for a municipal civil infraction.

(Code 1987, § 18-45; Ord. No. 81-121, § VIE, 9-8-1981)

Secs. 20-58—20-117. - Reserved.