

NOISE ORDINANCE
ESCANABA TOWNSHIP
Revised September 9, 2004

AN ORDINANCE TO ORDAIN AND ADD TO THE CODE OF ORDINANCES OF ESCANABA TOWNSHIP THE FOLLOWING ORDINANCE PROHIBITING THE MAINTENANCE OF A NOISE NUISANCE IN THE TOWNSHIP.

The Township of Escanaba Ordains:

CHAPTER 1

1.01 This Ordinance shall be known and cited as the Escanaba 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.

“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.

“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.

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

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

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 Escanaba Township.

2.02 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:

- 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 11:00 o'clock p.m. and 7:00 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 such 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 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 people.
- 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 noise or disturbance unreasonably annoying to other persons other than between the hours of 7:00 o'clock a.m. and sundown on any day, excepting cases of urgent necessity in the 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. The permitting of a motor vehicle to stand idling for a period in excess of ten minutes between the hours of 11:00 o'clock 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 unreasonable disturbs the quiet, comfort or repose of other persons.
- j. 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.

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

The following exceptions shall be 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 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 allowed in industrial districts, regardless of the zone where they are located;
- c. 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 over a total of eight hours between 7 a.m. and 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. Warning devices emanating sound for warning purposes as authorized by law.
- c. A Board approved conditional use permit for activities affected by the Noise Ordinance. The decibel readings will read from “75 decibels to 70 decibels for fifteen minutes from 7 a.m. to 10 p.m. in residential districts and 70 decibels to 60 decibels for fifteen minutes from 10 p.m. to 7 a.m.. A conditional use permit will have to be obtained under conditional use zoned areas.

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 continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

CHAPTER 111

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.

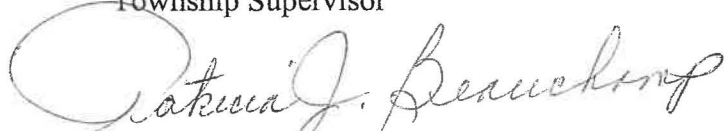
CHAPTER IV

4.01 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 9th, day of September, 2004.

Kevin P. Dubord
Township Supervisor

A handwritten signature in cursive script, appearing to read "Patricia J. Beauchamp".

Patricia J. Beauchamp
Township Clerk

Date adopted: April 12, 1997
Revised date: August 9, 2004
Effective date: September 9, 2004