

35.0500

**NOISE CONTROL ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 341 eff. March 30, 2001**

An Ordinance designed to preserve, protect and promote the public health, safety, welfare, peace, comfort and quiet; by defining and controlling noise disturbance and noise pollution which otherwise would intrude upon or destroy the state of peace, tranquility and calm which exists in Grand Haven Charter Township; and to provide penalties and sanctions for violations of this Ordinance as municipal civil infractions.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

35.0501

Sec 1. DEFINITIONS

All terminology used in this Ordinance, not defined in this Section or in other Sections of this Ordinance, 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 Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. “A-Weighted Sound Level” means the Sound Pressure Level in Decibels as measured on a Sound Level Meter using the A-Weighted Network. The Sound Pressure Level so read is designated dB(A) or dBA.
2. “Commercial Area” means property used for purposes other than residential or industrial regardless of whether the property has a commercial zoning designation.
3. “Decibel” means a unit of Sound Pressure Level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with the American National Standards Institute Standard S1.1-1960, or the successor thereto.
4. “Decibels on the A-Weighted Network or dBA” means Decibels measured on the A-Weighted Network of a Sound Level Meter as specified in the American National Standards Institute Standard S14-1971, or the successor thereto.
5. “Industrial Area” means property used for industrial purposes, which are considered to be any purposes allowed in any Industrial District of the Township as defined in, designated by and regulated under the Grand Haven Charter Township Zoning Ordinance.

6. “Person” means any owner, lessee or occupant of property, including any individual, corporation, business or other entity; “Person” also means any individual in any public place or any private place open to the general public.
7. “Property Line” means the imaginary line which represents the legal limits of property (including an apartment, condominium, dwelling unit, or public property) owned, leased, or otherwise occupied by a Person, including the legal limits of public property on which a person is present. In cases involving sound from an activity on a Public Right-Of-Way, the Property Line shall be the nearest boundary of the Public Right-Of-Way.
8. “Motor Vehicle” means every vehicle which is self-propelled whether or not licensed or intended for use on the public roads.
9. “Public Right-Of-Way” means the entire easement width of any publicly-dedicated street, avenue, boulevard, highway, sidewalk, alley or similar place.
10. “Public Property” means any area available to the public including, but not limited to, parks and public buildings.
11. “Residential Area” means property used for temporary or permanent dwelling purposes.
12. “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 American National Institute Standard ANSI S1.4-1971, or the successor thereto.
13. “Sound Pressure Level” means twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals. This Sound Pressure Level is expressed in Decibels.
14. “Township Board” means the Township Board of Grand Haven Charter Township.
15. “Authorized Township Officials” means any designated Ottawa County Sheriff, Ottawa County Deputy Sheriff, any Michigan State Trooper, the Township Supervisor, the Township Zoning Administrator, the Township Manager, and an authorized Township official designated by a Township ordinance; all of whom are authorized to investigate all complaints of violation of this Ordinance

and are further authorized to issue a municipal civil infraction citation.
(amend. ord. no. 491 eff. Dec. 15, 2010)

16. “Immediate Vicinity” means any distance greater than 100 feet (100’) from the noise or disturbance source, or any distance greater than 50 feet (50’) from any property line adjacent to the parcel or lot upon which the source of noise or disturbance is emanating as determined by the authorized Township official during the course of investigating an incident of noise or disturbance. This is a subjective standard and may, but is not required to, be substantiated by use of a sound level meter.

35.0502 Sec. 2 INTERFERENCE WITH SOUND MONITORING

It shall be unlawful for any Person to remove or render inaccurate or inoperative any Sound Level Meter or any similar monitoring instrument or device positioned for the purpose of enforcing the provisions of this Ordinance.

35.0503 Sec. 3 PROHIBITED ACTS, GENERALLY

A Person or Persons shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbance or noise of a high volume or intensity which is clearly audible and disturbs, annoys, or endangers the calm, comfort, quiet, repose, health, peace or safety of others beyond the immediate vicinity of the disturbance. Such noise or loud disturbance shall be a violation of this Ordinance.

35.0504 Sec. 4 PROHIBITED ACTS, SPECIFICALLY

A Person or Persons shall not commit or cause to be committed any of the following acts of noise or loud disturbance which are deemed a violation of this Ordinance:

1. The playing or use of any battery or electrically powered or electronic sound producing or amplifying device, speaker, or instrument, including a musical instrument, in such a manner or in such loud volume or intensity, at any time or place, so as to disturb, destroy, or endanger the comfort, repose, rest, or peace of the Persons beyond the immediate vicinity of the noise or disturbance.
2. The sound created by any domesticated animal kept or maintained by any Person, when such animal, noise or disturbance is frequent and continued and clearly audible at the distance beyond the immediate vicinity of the noise or disturbance during the hours of 10:00 p.m. to 7:00 a.m.; except as otherwise specifically exempted hereafter.

3. A Person or Persons shall not create a loud noise or disturbance in or with a motor vehicle so as to disturb or destroy or endanger the peace, comfort or repose of Persons beyond the immediate vicinity of the source of the noise or disturbance. Such Person shall not operate a motor vehicle which is not equipped with a muffler in good working order and in use at all times. The use of cut-outs, by-passes, or similar device, shall be illegal and a violation of this Ordinance.
4. Engaging in any construction, repair, remodeling, demolition, drilling or excavation work except from 7:00 a.m. to 9:00 p.m.
5. The use of compression release engine brakes by any Person operating a Motor Vehicle approaching, traveling through, or stopping at the intersection of Comstock Street and U.S. 31 in the Township, including without limit the indirect left turn lanes included as part of this intersection.
(ord. no. 482 eff. November 4, 2010)

35.0505 Sec. 5 MAXIMUM PERMISSIBLE SOUND LEVELS

No Person shall conduct or permit any activity that produces a dBA beyond the Person's Property Line exceeding the Sound Pressure Levels specified in Table I. Where property is included in both Residential and Commercial Areas, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

TABLE I

AREA OF PROPERTY RECEIVING THE SOUND	7 a.m. to 9 p.m. to	9 p.m. 7 a.m.
Residential Area	65	55
Commercial Area	70	60
Industrial Area	70	70

(All limits expressed in dBA).

35.0506 Sec. 6 GENERAL EXEMPTIONS

The following activities are exempted from specific prohibited acts and/or the Sound Pressure Level limitations set forth in Sections 4 and 5:

1. 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 imminent danger;

2. Sounds made to alert Persons to the existence of an emergency, an imminent danger, or an attempted crime;
3. Parades, concerts, festivals, fairs or similar activities, if approved by the Township Board, subject to any Sound Pressure Limits specified in the Township Board's approval;
4. Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools;
5. Sounds created by animals or livestock (excluding dogs) kept or maintained by Persons on parcels within agriculturally zoned areas or parcels within residential areas which exceed 20 acres in size.
(amend. by ord. no. 478 eff. June 1, 2010)
6. Sounds created on agriculturally zoned areas or parcels during the completion of generally accepted agricultural activities.
7. Sounds created while conducting yard work or lawn maintenance between the hours of 7:00 a.m. and 9:00 p.m. including, but not limited to, lawn mowing, leaf blowing, brush clearing, and the use of chain saws, etc.
8. Sounds created during new construction, remodeling or maintenance activities on a building or structure between the hours of 7:00 a.m. and 9:00 p.m.
9. Sounds created while removing snow from streets, roads, driveways or sidewalks necessary to allow safe access and transport.

35.0507 Sec. 7 TEMPORARY EXEMPTIONS

1. The Township Superintendent is authorized to grant a temporary exemption from the maximum permissible Sound Pressure Levels established by this Ordinance if such temporary exemption would be in the public interest, and if there is no feasible and prudent alternative to the activity or the method of conducting the activity for which the temporary exemption is sought.

An application shall be filed in writing at least three (3) days prior to the proposed activity and directed to the Township Superintendent. The application shall, at a minimum, include the name, address and telephone number of the applicant; the location, dates, and times of the proposed activity for which an exemption is sought; and any proposed controls on the activity to assure compliance.

2. The following factors shall be considered by the Township Superintendent in determining whether to grant a temporary exemption:

- A. The hardship to the applicant, the community and other Persons if the exemption is not granted, balanced against the adverse impact on the comfort, repose, health, peace or safety of Persons if the exemption is granted;
 - B. The nearness of any residence or residences, or any other land use which would be adversely affected by sound in excess of the Sound Pressure Levels prescribed by this Ordinance;
 - C. The Sound Pressure Level to be generated by the activity for which the temporary exemption is sought;
 - D. The density of population in the area where the activity is to take place; and
 - E. The time of day or night during which the activity will take place.
3. A temporary exemption must be in writing and signed by the Township Superintendent or the designee thereof; the writing must set forth the name of the Person 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 Sound Pressure 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 thirty (30) days, and is subject to review upon objection by any owner or occupant of adjoining property.

35.0508 Sec. 8 VARIANCES

Persons wishing to continue activities which commenced prior to this Ordinance and which create noise in excess of what is allowed by this Ordinance may seek a variance from the Township Board. Such a variance may be granted if the Township Board finds that strict application of this Ordinance would cause an unreasonable hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

35.0509 Sec. 9 PENALTIES

A violation of this Ordinance is a municipal civil infraction.

35.0510 Sec. 10 LIABILITY OF OWNER, LESSEE, OR OCCUPANT

If the Person responsible for an activity which violates this Ordinance cannot be determined, the owner of the property upon which the activity is located shall be deemed responsible for the violation unless the property is leased or occupied by Persons other than the owner, in which case the lessees or occupants shall be responsible for the violation.

35.0511 Sec. 11 REPEAL

All other ordinances, parts of ordinances, or amendments thereto, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

35.0512 Sec. 12 EFFECTIVE DATE

This Ordinance was approved and adopted by the Grand Haven Charter Township Board on March 26, 2001. This Ordinance shall take effect on March 30, 2001.