### Summary of Changes

The current noise ordinance regulates some activities by decibel level, and other activities by subjective standards. For example, from 10:00 PM to 7:00 AM, most activities are allowed if they do not produce a sound level exceeding 55 decibels at the property line. However, music, radio and television sounds are not allowed if they are clearly audible at the property line.

The revised noise ordinance below removes subjective standards. Also, it removes exemptions and regulations for all specific activities except government functions and construction.

Because vehicle traffic often makes the ambient sound level louder than the existing limit, the new decibel table has moderately higher levels than previously allowed. Night-time levels in restricted areas are unchanged. In areas where the ambient sound level is still louder than the allowed limits, any noise which increases the sound level by 5 decibels is forbidden. A similar standard exists in Los Angeles.

Noise between apartments that share walls is now regulated with an ambient standard.

Construction is given a special exemption at 9:00 AM instead of 7:00 AM, and the maximum decibel level in that time is 95 decibels at the property line instead of 105 decibels. Construction at other times is regulated by the decibel table. Construction is now allowed on Sundays.

The penalty for a first violation is a warning. Subsequent penalties are fines that increase with each additional offense.

### ARTICLE I. - NON-VEHICULAR NOISE

9:360. - Applicability.

The provisions of Article I apply to all sources of sound except: 1) motor vehicles (as defined in the State Motor Vehicle Code, 1949 P.A. 300 (MCLA 257.1 et seq.) in operation on a public right-of-way; 2) aircraft in flight or in operation at an airport; 3) railroad equipment in operation on railroad rights-of-way.

9:361. - Definitions.

As used in this Article:

1. *“Ambient Sound Level"* means the sound level of the all-encompassing sound associated with a given environment, excluding the specific sound under investigation. Ambient noise shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured.

(2) *"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.

(3) *"Commercial"* means a use of the property for purposes other than residential.

(4) *"Legal holiday"* means the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veterans' Day, Christmas Day.

(5) *"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.

(6) *"Residential"* means a legal use of property for temporary or permanent dwelling purposes.

(Ord. No. 12-33, § 1, 12-3-12)

9:362. - Maximum permissible sound levels within structures, and between touching structures.

No person shall conduct or permit any activity that produces a sound beyond his property line within the same structure, or in a different structure that touches the first, if the activity produces a dB(A) that exceeds the ambient sound level in the receiving property by 5 or more decibels. This section shall not apply to activities that produce a sound level of less than 75 dB(A) from 7:00 AM- 10:00 PM and 65 dB(A) from 10:00 PM-7:00 AM inside the property containing the activity, in the area closest to a receiving property.

9:363. - Maximum permissible sound levels elsewhere.

No person shall conduct or permit any activity that produces a dB(A) beyond his property line exceeding the levels specified in Table I. If the ambient sound level is above the specified level, no person shall conduct or permit any activity that produces a dB(A) that exceeds the ambient sound level by 5 decibels.

|  |  |  |
| --- | --- | --- |
| Use of Property Receiving the Sound | 7:00 AM to 10:00 PM | 10:00 PM to 7:00 AM |
| Residential or Restricted Mixed Use | 70 | 55 |
| Commercial or Mixed Use | 80 | 65 |

9:364. - Limited exemptions.

The following limited activities are exempted from the sound level limitations of section 9:3643:

1. Construction, repair, remodeling, demolition, or excavation work conducted between 9:00 a.m. and 8:00 p.m, except legal holidays, which does not produce a sound level exceeding 95 dB(A) beyond the property line of the property on which the work is being conducted. The persons to whom this subsection applies shall include, but not be limited to, construction managers, foremen, property owners, developers, contractors, and subcontractors who direct, order, require, authorize, or commission another person to perform these activities in a manner that violates this section. If the person is an entity, this subsection shall also apply to the officers, directors, partners, limited liability company members, or other individuals constituting such entity.

9:365. - General exemptions.

(1) The following activities are exempted from the sound level limitations of section 9:3643

(a) 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 an imminent danger.

(b) Sound made to alert persons to the existence of an emergency, danger, or attempted crime.

(c) Activities or operations of governmental units or agencies.

(d) Parades, concerts, festivals, fairs or similar activities subject to any sound limits in the approval by the city.

(e) Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, as defined in section 5:8(27) and (31) of [Chapter 55](file:///C:\Users\willleaf\level2\TITVZOPL_CH55ZO.docx#TITVZOPL_CH55ZO), and public or private colleges or universities.

(2) The following activities are exempted from the requirements of [section 9:363](file:///C:\Users\willleaf\level3\TITIXPORE_CH119NOCO_ARTINHINO.docx#TITIXPORE_CH119NOCO_ARTINHINO_9_363SPPR)

(a) Regular activities or operations of governmental units or agencies provided the activity is approved in advance and in writing by both the department head or agency director and the Administrator.

(b) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.

(c) Devices or activity creating sound made to alert persons to the existence of an emergency, danger, or attempted crime.

(d) Equipment and activities creating sound from the collection of solid waste, as defined in [Chapter 26](file:///C:\Users\willleaf\level2\TITIIUTSE_CH26SOWAMA.docx#TITIIUTSE_CH26SOWAMA), within the Downtown District, as defined in [Chapter 7](file:///C:\Users\willleaf\level2\TITIAD_CH7DODEAU.docx#TITIAD_CH7DODEAU), after 6:00 a.m. and before 10:00 p.m.

(Ord. No. 46-99, § 1, 11-15-99)

9:366. - Temporary exemptions.

(1) The city administrator is authorized to grant a temporary exemption from the maximum permissible sound levels established by this article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought.

(2) The following factors shall be considered by the administrator in determining whether to grant a temporary exemption:

(a) The balance of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance.

(b) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article.

(c) The level of the sound to be generated by the event or activity.

(d) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested.

(e) The density of population of the area in which the event or activity is to take place.

(f) The time of day or night which the activity or event will take place.

(g) The nature of the sound to be produced, including but not limited to, whether the sound will be steady, intermittent, impulsive, or repetitive.

(3) A temporary exemption must be in writing and signed by the administrator or his appointed representative and must set forth the name of the party 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 dB(A) 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 30 days.

9:367. - Variances.

Persons wishing to continue activities which commenced prior to this article and which create noise in excess of the permitted levels may seek a variance from the building board of appeals. Such a variance may be granted if the board finds that strict application of this chapter would cause a hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

9:368. - Liability of owner, lessee, or occupant.

If the person responsible for an activity which violates this article cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. A person found responsible under this section shall be given a warning for a first offense. For a second offense within a 1-year period, the penalty shall be $100.00. For a third offense within a 1-year period, the penalty shall be $200. For subsequent offenses within a 1-year period, the fine shall be $500.00.

(Ord. No. 56-88, § 1, 12-5-88; Ord. No. 61-91, § 1, 10-21-91)

9:369. - Penalty.

Except as provided in section 9:368, an activity which violates this article shall be punishable by a warning for a first offense. For a second offense within a 1-year period, the fine shall be $100. For a third offense within a 1-year period, the penalty shall be $200. For subsequent offenses within a 1-year period, the penalty shall be $500.00.

(Ord. No. 56-88, § 2, 12-5-88; Ord. No. 61-91, § 2, 10-21-91)