

# Fort Gratiot Charter Township

## Code of Ordinances – Chapter 12 Environment

### ARTICLE III. NOISE

#### Sec. 12-71. Purpose of article.

The purpose of this article is to regulate or prohibit noise which either annoys, injures, or endangers the comfort, repose, health, or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person.

#### Sec. 12-72. Definitions.

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:

**Construction** means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or on public or private right-of-way, structures, utilities, or similar property.

**dB(A)** means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

**Decibel** means a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of a  $2 \times 10^{-5}$ N/m<sup>2</sup> (Newtons per meter squared). As an example of the effect of this formula, a three decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a ten decibel change corresponds to a ten-fold increase or decrease to one-tenth the former intensity.

**Emergency work** means any work performed for the purpose of preventing or alleviating the physical trauma of property damage threatened or caused by an emergency.

**Motor vehicle** means every vehicle defined as a motor vehicle in the traffic chapter of this Code (chapter 34).

**Motorcycle** means every vehicle defined as a motorcycle in the traffic chapter of this Code (chapter 34).

**Motor-driven cycle** means every vehicle defined as a motor-driven cycle in the traffic chapter of this Code (chapter 34).

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

**Noise disturbance** means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; and
- (3) Endangers or injures personal or real property.

**Person** means any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.

**Public right-of-way** means any street, avenue, boulevard, highway, sidewalk, or alley.

**Real property boundary** means the property line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another.

#### Sec. 12-73. Prohibited generally.

In addition to the specific prohibitions outlined in this article, no person shall unreasonably make, continue, or cause to be made, continued, or permitted, any noise disturbance. The restriction in this article does not prohibit speech of any kind. This article shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way for which permission has been obtained.

## **Sec. 12-74. Specific prohibitions.**

The following acts, and the causing or permitting thereof, are hereby declared to be in violation of this article:

- (1) Construction. The operating of any tools or equipment used in construction, drilling, or demolition work between the hours of 9:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or operation of road maintenance equipment.
- (2) Explosives, firearms, and similar devices. The use or firing of any explosives, firearms, or similar devices which creates impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way without first obtaining a permit.
- (3) Loudspeakers/public address systems. The use or operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for any commercial purpose.
- (4) Radios and phonographs; time and use restrictions. Any radio receiving set, musical instrument, phonograph, tape player, television receiving set or other machine or device for the producing or reproducing of sound, including any sound equipment in a vehicle between the hours of 9:00 p.m. and 7:00 a.m. on private or public rights-of-way loudly enough to be clearly heard 50 feet from the source of the sound.
- (5) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the township, except as a danger warning. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the unreasonable use of any such signaling device when traffic is for any reason held up.
- (6) Yelling and shouting. Yelling, shouting, hooting, whistling, or singing on the public streets, between the hours of 9:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- (7) Animals and birds. The keeping of any animal or bird which creates frequent or long continued noise unreasonably disturbing the comfort or repose of any persons in the vicinity.
- (8) Motor vehicles, motorcycles, motorized vehicles, motor-driven cycles. The operation of any motor vehicle, motorcycle, motorized vehicle or motor-driven cycle on private property or public right-of-way so as to cause loud and unreasonable noise, including noise from exhaust, which is clearly audible from nearby property and unreasonably disturbs the comfort or repose of any persons in the vicinity. The modification of any motorized vehicle, motorcycle or motor-driven cycle, or the failure to maintain any such vehicle which results in an increase in emitted noise above that as emitted by such vehicle when manufactured is a violation of this section.

## **Sec. 12-75. Exceptions to article provisions.**

This article shall not apply to any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.

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### **Noise complaints:**

Many noise issues can be handled by simply speaking with the neighbor, who may be unaware of the extent of the noise disturbance. However, in such cases where a complaint needs to be handled by an outside source. For more detailed information, please contact the Township enforcement division at (810) 385-4489 x 1112, Monday through Friday during business hours.

-For noise disturbances that occur continually, after hours, overnight and on weekends, please contact the sheriff's office\* non-emergency line at (810) 985-8115 at the time the violation is occurring.

*\*The township has 24 hour coverage by the sheriff's office and you may contact them at anytime at the above number for a non-emergency issue. In the case of an emergency, please dial 911.*