

**MILTON TOWNSHIP ORDINANCE NO. 2016-26R**

**Adopted: 12/20/16**

**Effective: 1/19/17**

**Updated: 7/10/18**

**MILTON TOWNSHIP ANTI-NOISE ORDINANCE**

An ordinance to secure the public health, safety, and general welfare of the residents and property owners of Milton Township, Cass County, Michigan, by the regulation of noise within said Township; to prescribe the penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MILTON**

**CASS COUNTY, MICHIGAN,**

**ORDAINS:**

**SECTION I**  
**TITLE**

This Ordinance shall be known and cited as the Milton Township Anti-Noise Ordinance.

**SECTION II**  
**DEFINITIONS**

“Decibel” means a unit 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  $2 \times 10^{-5} \text{N/m}^2$  (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  $1/10^{\text{th}}$  the former intensity.

“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.

**SECTION III**  
**ANTI-NOISE REGULATIONS**

- A. General regulation. No person, firm or corporation shall cause or maintain any unreasonably loud noise or disturbance, injurious to the health, peace of quiet of the residents and property owners of the Township.
- B. 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:
1. The playing of any radio, phonograph, television or other electronic or mechanical sound producing device including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
  2. Loud or abusive language such as yelling, shouting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset disturb the quiet, comfort or repose of other persons.
  3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school church, hospital or court.
  4. The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of other persons in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
  5. The operation of any automobile, motorcycle or other vehicle so out of repair or 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 disturbs the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain the same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
  6. 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 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement

officer of the Township, which permit shall limit the periods that the activity may continue.

7. The sounding of any horn or other device on any motor vehicle or boat unless necessary to operate such vehicle safely or as required by the state motor vehicle code or marine rules and regulations.
8. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain any noise abatement device so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
10. The use of any drum, loudspeaker or other instrument or device for the purposes 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.
11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speak or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

**SECTION IV**  
**ANTI-NOISE REGULATIONS BASED UPON dB(A) CRITERIA**

In order to regulate and prove violations occurring in Section III of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance. However, violations under Section III but which have no decibel determination available shall nevertheless be deemed violations of this Ordinance.

- A. Regulations for decibel measurement of noise originating from private parties. Noise radiating from all properties or buildings, as measured at the boundaries of that portion of the property under separate occupancy, which is in excess of the dB(A) established for the districts and times here within listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is therefore

in violation this Ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the course or courses exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing, and manufacturing of material goods or products, including vehicles.

Zoning District	Limitations 7:00 a.m. to 10:00 p.m.	Limitations: 10:01 p.m. to 6:59 a.m.
Agricultural Production	85 dB(A)	50 dB(A)
Commercial	85 dB(A)	50 dB(A)
Industrial	85 dB(A)	75 dB(A)
Medium Density Residential	85 dB(A)	50 dB(A)
Planned Urban Development	85 dB(A)	50 dB(A)
Rural Residential	85 dB(A)	50 dB(A)
Single Family Residential	85 dB(A)	50 dB(A)

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of five dB(A) less than those listed in this subsection.

Where a property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

The following exceptions shall apply to these regulations under this subsection:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the state, township or the county, between 10:01 p.m. and 6:59 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.
4. Any agricultural animal, machinery, equipment, or mechanical device being used on lands utilized for legitimate agricultural purposes.
5. Any vehicle or equipment designed and used for the purpose of snow/ice removal when in use for such purpose.
6. Generator. A generator may be utilized any time for emergency power.

7. Emergency construction. Construction on any building in any zoning district can occur in order to secure property or prevent further damage from wind, flood, fire, or any other disaster, provided a building permit is applied for the next available township business day.
  8. Essential services. In an effort to provide services and protect the general health, safety and welfare of the public, essential services such as trash/garbage collection shall not be in violation regardless of time of day. This will allow the collection at a time of day so as not to hinder traffic from residents going to or from their place of employment and the transport of children on school busses without impeding safe traffic flow.
  9. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.
  10. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
  11. Noises occurring between 7:00 a.m. and 10:00 p.m. caused by home or building repairs or from maintenance of grounds are excluded, provided, such noise does not exceed the limitations specified in this subsection by more than 20 dB(A), provided such noise does not exceed 90 dB(A).
  12. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under state law and all local ordinances.
  13. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal, nonconforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
    - a) The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the township zoning ordinance if available.
    - b) The limitations contained in this subsection based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.
- B. Regulations for decibel measurement of motor driven vehicles on public roads. A motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding one of the following limits at a distance of 50 feet except as provided in subsections (B)(2)(III) and (B)(3)(III) of this section:

1. A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more:
  - a) Ninety dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
  - b) Eighty-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
  - c) Eighty-eight dB(A) under stationary run-up test.
  
2. A motorcycle or a moped:
  - a) Eighty-six dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
  - b) Eighty-two dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
  - c) Ninety-five dB(A) under stationary run-up test at 75 inches.
  
3. A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subsection (2)a. or (2)b. of this section:
  - a) Eighty-two dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
  - b) Seventy-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
  - c) Ninety-five dB(A) under stationary run-up test 20 inches from the end of the tailpipe.

**SECTION V**  
**PENALTY**

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximum Fine
---	1st offense	\$ 100.00	---
---	2nd offense	\$ 150.00	---
---	3rd or subsequent offense	\$ 250.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

**SECTION VI**  
**SEVERABILITY**

Should any section, clause, paragraph, or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

**SECTION VII**  
**REPEAL**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION VIII**  
**EFFECTIVE DATE**

This Ordinance shall take effect 30 days after its publication after adoption.

Steve Sante, Clerk  
Milton Township  
32097 Bertrand Street  
Niles, MI 49120  
Phone: (269) 684-7262