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COLFAX TOWNSHIP, OCEANA COUNTY ORDINANCE NO, 2

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

EFFECTIVE Aug 20<sup>th</sup>, 2006

ADOPTED July 11, 2006

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

Township of Colfax, Oceana County, Michigan

ORDAINS:

TITLE:

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

ARTICLE ONE: DEFINITIONS

Section 1.1 Decibels.

"Decibels" is 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  $2 \times 10^{-5}$  N/m<sup>2</sup> (Newtons per meter squared). As an example of effect of this formula, a 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity and a 10 decibel change corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10 fold increase or decrease to  $1/10^{\text{th}}$  the former intensity.

Section 1.2 de (A)

"de (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 1.3 Persons.**

Whenever the word "persons" is used in this Ordinance it shall be deemed to include firms, corporations, partnerships, associations, organizations or individuals.

## **ARTICLE TWO -NOISE**

### **SECTION 2. 1 General Prohibition.**

It shall be unlawful for any person to make, continue, or cause to be made or continue any loud or unnecessary noise which either annoys, disturbs, injures, or endangers the welfare, comfort, repose, health, peace or safety of others, within the areas of the township ( zoned or otherwise) as residential/resort within the Township.

### **SECTION 2. 2 Noise origination From Private Property.**

It shall be deemed a prima facia violation of the ordinance for any noise radiating from properties or buildings as measured at the boundaries of the property, which is in excess of 55 db(A).

### **SECTION 2. 3 Noise originating From Motor Driven Vehicles.**

All noise emitted from motor driven vehicles shall be measured whenever possible from a distance of at least 50 feet (15 meters) from the noise source. If measurement at 50 feet (15 meters) is not feasible, measurement may be made 25 feet (7.5 meters) and if this is done, 6db(A) shall be added to the absolute limit of 74 db (A). Also, such noise in excess of the noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance.

### **SECTION 2. 4 Specific Offenses.**

The following acts, among others are declared to be in violation of this Ordinance: but said enumeration shall not be deemed to be exclusive, namely.

#### **SECTION 2. 4.1 Electronic or Mechanical Sound.**

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 unreasonable upset or disturb the quiet, comfort, or repose of other persons.

The operation of any such radio, phonograph, television or other electronic or mechanical sound producing device including any musical instrument, between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of fifty(50) feet from the land, building, structure or vehicle in which it is located shall be prima facia evidence of a violation of this section.

#### **SECTION 2. 4.2 Yelling Shouting.**

Yelling, shouting, hooting or singing on the public streets or roads between the hours of 10:00 p.m. and 7:00 a.m. or at anytime or place so as to unreasonably upset or disturb the quiet, comfort or repose of any person in the vicinity.



#### SECTION 2.4.3 Animals.

The keeping of any animal, bird or fowl which emanates 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 where such barking can be clearly heard from nearby residential property.

#### SECTION 2.4.4 Motor Vehicles.

The use of any automobile, motorcycle, snowmobile or vehicle so out of repair, so loaded or constructed in such a manner as to create and unnecessary grating, grinding, rattling or other unreasonable noise including the noise resulting from exhaust which is clearly audible from nearby properties and unreasonable disturbing to 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 same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicles originally manufactured shall be in violation of this section.

#### SECTION 2.4.5 Race Tracks Private or Commercial.

The operation of any race track, proving ground or testing area or obstacle course for motor vehicles, motorcycles, boats, races, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefore would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 o'clock p.m. on any evening.

#### EXCEPTIONS;

None of the prohibitions hereinbefore enumerated shall apply to the following.

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 of Michigan, Colfax Townshjp, County of Oceana between sundown and 7:00 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 waning purposes as authorized by law.
4. Noises emanating from the discharge of fire arms are excluded. providing the discharge of the fire arms was authorized under Michigan Law and local ordinances.

## SECTION 5. PENALTIES

Any person, firm or corporation who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, be subject to a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed 90 days or by both such fine and imprisonment at the discretion of the Court. Each day that a violation shall continue to constitute a separate offense. Provision of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

## SECTION 6 OTHER REMEDIES AND ACTIONS.

Nothing in this Ordinance shall be construed to abridge, limit or interfere with another remedy, either civilly, or criminally, where the statutory or at common law to, abate, correct, enjoin, or seek damages for any action or use of property which may otherwise be construed as a nuisance of any type or description whether public or private.

## SECTION 7. NOISE EMANATION OUTSIDE RESORT/RESIDENTIAL DISTRICT.

Where property is partly in two districts or adjoins the boundary of another district of the property the db(A) levels of the district where the noise is emanating shall control.

## SECTION 8. EFFECTIVE DATE

The foregoing ordinance was duly adopted by the Township Board of the Township of Colfax, Oceana County, Michigan, at its regular meeting held on July 11, 2006, and shall take effect on Aug 20, 2006.

[Signature]

Colfax Township Clerk

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Signatures of Board Members

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