

**TOWNSHIP OF SCHOOLCRAFT  
COUNTY OF KALAMAZOO, STATE OF MICHIGAN  
SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 270**

**ADOPTED: FEBRUARY 9, 2016**

**EFFECTIVE: MARCH 17, 2016**

**SCHOOLCRAFT TOWNSHIP NOISE DISTURBANCE AND PUBLIC NUISANCE  
ORDINANCE**

An ordinance adopted pursuant to *MCL 41.181* to protect the public health, safety, and general welfare of persons and property by regulating noise disturbances and public nuisances within the Township; to provide civil sanctions and remedies for violation of the ordinance; and to repeal Schoolcraft Township Ordinance No. 32 (Anti-Noise Ordinance) as amended by Ordinance No. 207, but preserve from repeal any non-conflicting ordinance or parts thereof which pertain to the same subject matter.

**THE TOWNSHIP OF SCHOOLCRAFT  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and may be cited as the Schoolcraft Township Noise Disturbance and Public Nuisance Ordinance.

**SECTION 2**

**DECLARATION OF PURPOSE**

This ordinance is adopted to address the adverse health effects of environmental/community noise as determined by findings of such authorities as the World Health Organization and the United States Environmental Protection Agency, including the following specific effects: noise induced hearing impairment; interference with speech communication; disturbance of rest and sleep; psychophysiological, mental-health and performance effects; effects on residential behavior and annoyance; and interference with intended activities. This ordinance is also intended to address the potential adverse effects on property values presented by noise disturbances, and other sources of public nuisance, as regulated herein. The overriding purpose of this ordinance is therefore to prevent noise activities and other public nuisance activities which may jeopardize the health, safety, and general welfare of persons and property or degrade property values or the quality of life in Schoolcraft Township.

### SECTION 3

#### DEFINITIONS

For purposes of this ordinance the following terms shall have the specified meaning:

- A. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting scale. The sound level so measured is designated dB(A).
- B. "Boundary line" means the actual or approximate imaginary line separating real properties under different ownership or occupancy.
- C. "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, or the latest approved revision thereof.
- D. "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  $2 \times 10^{-5}$  N/m<sup>2</sup> (Newtons per meter squared).
- E. "Motor vehicle" means any vehicle which is propelled or drawn on land or water by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, motorhomes, go-carts, motorcycles, motor-scooters, mini-bikes, boats or other watercraft, snowmobiles, and off-road vehicles.
- F. "Noise disturbance" means any activity or condition involving sound that creates an unreasonable disturbance to the peace, comfort, repose, or tranquility of any person, whether due to the level, frequency, intensity, pulsation, harmonic pure tone(s), duration, time of day/night, or other factor not herein specified but similarly sufficient at the point of reception to create an unreasonable disturbance.
- G. "Receiving property" means property on which the occupants and/or other persons perceive by aural and/or other sensory means sound or another activity or condition regulated by this ordinance emanating from other property under different ownership or occupancy or from a public right-of-way.
- H. "Off-road vehicle" means any motorcycle, snowmobile, all-terrain vehicle, or other motor-driven vehicle which is designed and intended primarily for

use off of public roadways, and/or which is in fact primarily used off of public roadways, and/or which is not licensed for regular use upon public roads as a motor vehicle.

- I. "Person" means any individual, corporation, or other entity of any kind.
- J. "Point of reception" means a place in a dwelling or other building on receiving property, or a place outside of a building on receiving property, at which an occupant of the receiving property perceives by aural and/or other sensory means sound or another activity or condition regulated by this ordinance emanating from other property under different ownership or occupancy or from a public right-of-way.
- K. "Public nuisance" means any activity or condition that injures, endangers, or creates an unreasonable disturbance to the public health, safety, and general welfare of persons or property, or that otherwise renders a reasonable person insecure in life or property, and shall include but not be limited to the following:
  - 1. Noise disturbance, as defined herein, and regulated in Section 4 of this ordinance.
  - 2. Any activity or condition causing heat, glare, lighting, fumes, odors, dust, smoke, or vibration discernible beyond the premises on which the source of same is located in such a manner as to create an unreasonable disturbance to the peace, comfort, repose, or tranquility of any person, whether due to the level, frequency, duration, time of day/night, or other factor not herein specified but similarly sufficient at the point of reception to create an unreasonable disturbance.
- L. "Public right-of-way" means any street, highway, sidewalk, trail, or similar place for vehicular or pedestrian public use.
- M. "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting scale, such as A or C, as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-1971), or the latest approved revision thereof. If the frequency weighting is not otherwise indicated, the A-weighting shall apply.
- N. "Unreasonable disturbance" means a noise disturbance or other public nuisance activity or condition that would adversely affect the health, safety, or general welfare of a reasonable person of ordinary sensibilities and ordinary sensitivity to noise or to other activities or conditions regulated by this ordinance, at the point of reception of such noise or other activity or condition regulated by this ordinance.

## SECTION 4

### NOISE DISTURBANCE AND OTHER PUBLIC NUISANCE REGULATIONS

- A. General regulation. No person shall cause, create, or allow to be caused or created on any premises in Schoolcraft Township, any noise disturbance or other public nuisance.
  
- B. Specific noise disturbances. Noise from any of the following activities or conditions on public or private property which creates an unreasonable disturbance on any noise receiving property is hereby declared to be a noise disturbance and therefore a violation of this ordinance; provided, that the specification of the same is not to be construed to exclude other activities and conditions that are not specifically enumerated but which fall under Section 4.A above:
  - 1. The playing of a radio, phonograph, musical instrument, or other sound-producing device.
  - 2. Yelling, shouting, hooting, or singing.
  - 3. The keeping of any animal, bird, or fowl.
  - 4. The use of construction, demolition, or excavation equipment between sundown and sunrise.
  - 5. The operation of any motor vehicle without a muffler or similar sound-reducing device manufactured for such vehicle, and in good working order.
  - 6. The operation of an off-road vehicle or other motor vehicle on any racetrack, practice track, proving ground, testing area, obstacle course, or other similar track/area of any kind.
  - 7. Music or other noise from in or on a moving or stationary motor vehicle.
  
- C. Specific other public nuisances. Each of the following activities and conditions is hereby declared to be a public nuisance and therefore a violation of this ordinance; provided, that the specification of the same is not to be construed to exclude other activities and conditions that are not specifically enumerated but which fall under Section 4.A above:
  - 1. Exterior lighting that is designed and/or located and/or operated in such a manner as to direct the source of the light upon a public right-of-way or other real property under different ownership or occupancy.

2. Fumes or other odors of a noxious or otherwise overwhelming impact.
  3. Dust discernible by accumulation, or smoke penetrating a dwelling or other premises with windows and doors closed.
  4. Vibrations causing aural or visceral discomfort.
- D. Sound content disregarded. The regulations of this ordinance pertaining to noise disturbances are not intended to make a noise activity or condition a violation of this ordinance based solely on the message or other substantive content of the noise.

## SECTION 5

### EXCEPTIONS

- A. The regulations in Section 4 of this Ordinance shall not apply to noise or other conditions regulated by this ordinance caused by any of the following:
1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
  2. Agricultural operations such as planting, harvesting and irrigation, providing the equipment being used is operating normally; and ordinary and customary livestock noises.
  3. Equipment used in commercial business operations conducted during regular business hours, providing the equipment being used is operating normally.
  4. Excavation or construction/repair of bridges, streets, highways, or other public property by or on behalf of the State of Michigan, County of Kalamazoo, or any municipal governmental body.
  5. Warning devices emitting sound for warning purposes as authorized by law.
  6. Noise generated by short-term outdoor recreational or holiday activities authorized by permit granted by the Township Board. In determining whether or not to grant any such permit, the Township Board shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Board shall have the right to impose reasonable terms and conditions designed to minimize any adverse

impact of the proposed activity on the surrounding area or the general public.

7. Aircraft operating in accordance with applicable federal regulations.
8. Household generators operating as designed to generate electricity during a power outage.
9. Otherwise lawful fireworks displays on any national holiday or other day on which the Michigan Fireworks Safety Act (2011 Public Act 256) or any other applicable state law prohibits a local ordinance regulating such displays.
10. Essential public services, including rubbish collection, using customary vehicles/equipment operated and maintained in a reasonable manner.
11. Special events authorized by the Township Board or other applicable legal authority taking place on a national holiday or otherwise infrequent basis, such as parades, community festivals, and similar public or quasi-public temporary events.

## SECTION 6

### EVIDENCE OF VIOLATIONS BASED ON SOUND LEVEL

- A. Optional sound level evidence. Any violation of this ordinance involving a noise disturbance shall be provable with or without sound level evidence. However, measured sound levels in excess of the maximum decibel limits specified below (subsection D) shall constitute prima facie evidence and therefore a rebuttable presumption that the measured sound constitutes a noise disturbance in violation of this ordinance.
- B. Sound measurement device. For purposes of this section measurements of sound shall be made using an ANSI Type 1 or 2 sound measurement instrument, operated in A-weighted or C-weighted frequency, and otherwise in accordance with the manufacturer's instructions.
- C. Point of sound measurement. Sound level measurements shall be taken on the noise receiving property at one or more points of reception, which may be on a public right-of-way adjacent to the property from which the sound is emanating, and/or from private property adjoining or otherwise in the sound receiving vicinity of the property from which the sound is emanating, with prior consent from the owner or occupant of such private property. Sound level measurements may be taken from one or more points of reception on the outside of any buildings on the noise receiving property and/or from one or more points of reception inside a building on the noise receiving property, to measure the existence of a presumptive

noise disturbance on the outside or inside of a building on the noise receiving property, respectively.

- D. Noise limits. A sound level in excess of the following limits, measured as specified in this section, shall constitute prima facie/presumptive evidence that such noise creates an unreasonable disturbance:

Sound point of reception	Time	Decibels [dBA]**
Residentially occupied property, outdoors	6:00 a.m. to 8:00 p.m.	55
Residentially occupied property, outdoors	8:00 p.m. to 6:00 a.m.	50
Residentially occupied property, inside dwelling (windows closed)	6:00 a.m. to 8:00 p.m.	35
Residentially occupied property, inside dwelling (windows closed)	8:00 p.m. to 6:00 a.m.	30
Public/quasi-public building*, indoors	When in use	35
Public/quasi-public uses*, outdoors	When in use	85
Commercial/industrial building, indoors	6:00 a.m. to 8:00 p.m.	65
Commercial/industrial building, indoors	8:00 p.m. to 6:00 a.m.	55

\* Public and private school classrooms and offices, hospitals, and medical offices, churches and governmental buildings/uses.

\*\* Guidelines for Community Noise, World Health Organization, Geneva, 1999.

## SECTION 7

### VIOLATIONS AND ENFORCEMENT

- A. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, consents to, or aids or abets any of same, shall be deemed to be responsible for a violation of this Ordinance.
- B. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense, and is subject to an additional citation.
- C. 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
1 <sup>st</sup> offense	\$150.00	----
2 <sup>nd</sup> offense	\$325.00	----
3 <sup>rd</sup> offense	\$500.00	----

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.

- D. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- E. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Schoolcraft Township or by such other person or persons as the Township Board may designate from time to time.

**SECTION 8**

**SEVERABILITY**

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

**SECTION 9**

**REPEAL/NON-REPEAL**

Schoolcraft Township Ordinance No. 32 (Anti-Noise Ordinance) adopted July 11, 1972, as amended by Ordinance No. 207, is hereby repealed in its entirety. This ordinance shall not be construed to repeal expressly or by implication any provision of the Schoolcraft Township Zoning Ordinance or the Schoolcraft Township Construction Codes, or any other non-conflicting provision of any other ordinance pertaining to the same subject matter.

**SECTION 10**

**EFFECTIVE DATE**

This Ordinance shall become effective 30 days after publication as required by law.

Virginia Mongreig, Clerk  
Schoolcraft Township