

**TOWNSHIP OF GANGES
ORDINANCE NO. 20**

ADOPTED: August 12, 2003

EFFECTIVE: September 21, 2003

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Ganges Township, Allegan County, Michigan, by the regulation of noise and disturbances within said township; to provide definitions and regulations; to prescribe the penalties and sanctions for violations of this Ordinance as Municipal Civil Infractions; to provide for severability; repeal all Ordinances, or parts of Ordinances in conflict herewith; and to establish an effective date.

**TOWNSHIP OF GANGES
ALLEGAN COUNTY, MICHIGAN
ORDAINS:**

SECTION 1: Title

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

SECTION 2: Definitions

The following terms used in this ordinance are defined as follows:

- A. **Decibel** is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (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 2×10^{-5} N/m² (Newtons per meter squared). As an example of the 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 10-fold increase or decrease to 1/10th the former intensity.
- B. **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.
- C. **Immediate Vicinity** means any distance within 50 feet from the boundary line of the property on which the disturbance or continued loud noise emanates as determined by an authorized township official(s). Such a disturbance or continued loud noise shall be considered a violation of this ordinance.

SECTION 3: Anti-Noise Regulations

- A. Acts prohibited generally - No person, persons (groups), firm or corporation shall cause or create, assist in creating, continue or permit the continuance of any unreasonable, excessive or unnecessary loud sound or disturbance, or continued noise of high volume or intensity which is clearly audible, and disturbs or is injurious to the health, peace, or quiet of the residents and property owners of the Township beyond the immediate vicinity of the noise or disturbance.
- B. Acts prohibited specifically are the following noises and disturbances, which 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 or amplifying device, speaker or musical instrument in such a manner or with such volume or continued intensity that unreasonably upset or disturb the quiet, destroy or endanger the comfort or repose, rest or peace of person or persons (groups) beyond the distances prescribed within the ordinance.

2. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court of law.

3. Yelling, shouting, hooting or singing on the public streets between the hours of 11 p.m. and 6 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the immediate vicinity.

4. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

5. 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.

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

7. The sound created by any kept animal, bird or fowl, which emanates frequent or continued noise that unreasonably disturbs the quiet, comfort or repose of any person, and is clearly audible at distances prescribed within the ordinance; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property. There should be no continued animal noise that is in violation of prescribed ordinance during the hours of sunset to sunrise.

8. Fireworks or audible displays of any kind that are in violation of Michigan law.

9. The operation of any automobile, motorcycle, snowmobile, ATV=s, OTV=s or other vehicle so out of repair or so 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 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 vehicle as originally manufactured shall be in violation of this section.

10. 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 same so 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.

11. The creation of a loud or excessive noise unreasonably disturbing to other persons in the immediate vicinity in connection with the operation, loading or unloading of any vehicle, trailer, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.

12. The use of any drum, loudspeaker or other instrument or device for the purpose 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 immediate vicinity.

13. 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, speaker or sound amplifying device emits loud and raucous noises unreasonably disturbing and easily heard from nearby adjoining residential property.

14. 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 4: Exceptions to the Above Ordinance

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. Farming operations, the operating of farm equipment including tractors, combines, spraying (from both ground and air) and all other equipment pertaining to the normal agricultural activities deemed farming within Ganges Township.

3. Hunting and fishing, the legal pursuit of fish and game within areas allowed within Ganges Township during any day of the week, and at times allowed by the fish and game laws of the state of Michigan.

4. Noise emanating from the discharge of firearms, the legal discharge of firearms within areas allowed within Ganges Township during any day of the week; providing the discharge of firearms was authorized under Michigan Law and all local Ordinances.

5. Warning devices emitting sound for warning purposes as authorized by law.

6. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Ganges Township, or the County of Allegan, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

7. Noises occurring between 7:00 a.m. and sundown caused by construction, repairs or demolition as long as a valid building permit has been issued by the Township official and is currently in effect, and, provided, such noise is not unduly excessive.

8. The Ganges Township Board may issue a permit, within thirty (30) days of the receipt of an application thereof, for a variance from this Ordinance for purposes of a public or private meeting, concert, parade or other similar event. Application must be received by the Township Clerk at least forty-five (45) days prior to the event.

SECTION 5: Anti-Noise Regulations Based Upon dB(A) Criteria

In order to regulate and prove violations occurring under Sections 3 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.

A. Regulations for decibel measurement of noise originating from private properties-noise radiating from all properties or buildings, as measured at 50 feet from the boundary line of the property, which is in excess of the dB(A) established for the districts and times herewith 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 of this ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the

source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

The following maximum decibel limits apply to noise originating from real property located in the following designated zoning districts:

Residential and Agricultural/Residential, as well as real property located in the agricultural zoning district where there is a dwelling owned by someone other than the owner of the premises from which the noise originates within 500 feet of the boundaries of the property on which the unlawful noise originates:

Limitations: 6:00 A.M. to 11:00 P.M.; 65 dB(A)
11:00 P.M. to 6:00 A.M.; 55 dB(A)

Agricultural Zoning Districts, except those parcels where a dwelling owned by someone other than the owner of the property on which the unlawful noise originates is within 500 feet of the boundaries of the parcel where the unlawful noise originates:

Limitations: 6:00 A.M. to 11:00 P.M.; 65 dB(A)
11:00 P.M. to 6:00 A.M.; 55 dB(A)

Commercial, except where there is a dwelling owned by someone other than the owner of the premises on which the unlawful noise originates which is located within 200 feet of the boundaries of the parcel where the unlawful noise originates:

Limitations: 6:00 A.M. to Midnight; 70 dB(A)
Midnight to 6:00 A.M.; 55 dB(A)

Commercial, where there is a dwelling owned by someone other than the owner of the premises on which the unlawful noise originates which is located 200 feet or less from the boundaries of the parcel where the unlawful noise originates:

Limitations: 6:00 A.M. to 11:00 P.M.; 65 dB(A)
11:00 P.M. to 6:00 A.M.; 55 dB(A)

Industrial, except parcels where a dwelling owned by someone other than the owner of the premises on which the unlawful noise originates which is located 200 feet from the boundaries of the parcel where the unlawful noise originates:

Limitations: 90 dB(A)

Industrial, where a dwelling owned by someone other than the owner of the premises on which the unlawful noise originates which is within 200 feet of the boundaries of the premises where the unlawful noise originates:

Limitations: 6:00 A.M. to Midnight; 65 dB(A)
Midnight to 6:00 A.M.; 55 dB(A)

B. Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound level of 5 dB(A) less than those listed in 5(A)(1) through (6) above.

C. Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the property where the noise is emanating shall control. The following exceptions shall apply to these regulations under this Section 5(A) A:

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid buildings permit has been issued by the township and is currently in effect.

2. Noises occurring between 7:00 A.M. and sundown caused by home and building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in Section 5 (A) by more than twenty (20) dB(A).

3. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.

4. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal non-conforming use (as defined in the township zoning ordinance) in a residential or residential/agricultural 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 non-conforming use as a result of the enactment of an amendment of the township zoning ordinance if available.

b. The limitations contained herein based upon such a use being located in the zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.

D. Regulations for decibel measurement of motor driven vehicles on public roads - all noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet (or 15 meters) from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7 2 meters) and if this done, 6 dB(A) shall be added to the limits provided by below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance.

Trucks & buses - Weight: Over 10,000 lbs. gross weight, dB(A) Maximum Limitation: 82 dB(A)

Trucks & buses - Weight: Under 10,000 lbs. gross weight, dB(A) Maximum Limitation: 74 dB(A)

Passenger cars - Any weight, dB(A) Maximum Limitation: 74 dB(A)

Motorcycles, snowmobiles, mini-bikes, all terrain vehicles and off road vehicles - Any weight, dB(A) Maximum Limitation: 82 dB(A)

All other self-propelled motor vehicles - Any weight, dB(A) Maximum Limitation: 74 dB(A)

E. Measurement of noise - all measurements of dB(A) according to subparagraphs A and B of this section shall be made by using a sound level meter of standard design and operated on the “A” weight scale, with “slow” meter response.

SECTION 6: Public Nuisance Regulations

No person, persons (groups), firm or corporation shall create, cause or maintain any public nuisance within Ganges Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area.

SECTION 7: Authorized Township Officials

Authorized Township Officials are hereby designated as the Township Constable, the Township Supervisor, the Township Zoning Administrator and any appointed Ordinance Enforcement Officer as provided by the Ordinance Establishing Office of Ordinance Enforcement Officer No. 18, and are hereby authorized to investigate all complaints of Violations of this Ordinance and are authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) as provided by the Municipal Civil Infractions Ordinance No. 19.

SECTION 8: Municipal Civil Infractions Ordinance No. 19

A Violation of the Ganges Township Anti-Noise & Public Nuisance Ordinance shall include any act which is prohibited or made or declared to be an offense by the Ordinance and shall be a “municipal civil infraction” as defined by the Municipal Civil Infractions Ordinance No. 19 and the terms, provisions, procedures, contents, penalties, fines, sanctions and relief of the Municipal Civil Infractions Ordinance shall apply to all complaints and violations of the Township Anti-Noise and Public Nuisance Ordinance.

SECTION 9: Severability and Repeal of Conflicting Ordinances

The several provisions of this ordinance are declared to be severable. If any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance. All resolutions, ordinances or parts thereof in conflict in whole or in part with any provision of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 10: Administrative Liability

No officer, agent, employee or elected official of the Township of Ganges shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

SECTION 11: Effective Date

This ordinance shall take effect thirty (30) days after publication after Township Board adoption.

**NOTICE OF ADOPTION OF
GANGES TOWNSHIP ORDINANCE**

PLEASE TAKE NOTICE Ordinance # 20 -Anti-Noise and Public Nuisance Ordinance was adopted at the Ganges Township Board meeting held on August 12, 2003.

PLEASE TAKE FURTHER NOTICE that the ordinance will be in effect 30 days after publication.

PLEASE TAKE FURTHER NOTICE that a copy of the Ordinance may be purchased or inspected by any person at the Ganges Township Clerk=s office, 2235 Blue Goose Dr, Fennville, MI 49408, (616/561-2215) on Monday and Thursday afternoons between the hours of 12:00 Noon and 5:00 PM.

Dated: 08/12/2003
Laurie A Petek, Supervisor
Ganges Township

Cindy Yonkers, Clerk
Ganges Township

To be in effect: September 21, 2003