

Casco Township
Proposed Noise Ordinance
January, 2017

PROPOSED

NOISE CONTROL

Sec. 1. - Scope.

The provisions of this article shall apply to the control of noise originating within the commercial and residential areas of the township.

Sec. 2. - 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:

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The sound pressure level so read is designated dB(A) or dBA.

Commercial area means property used for purposes other than residential or industrial.

Decibel means a unit of sound pressure level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with the American National Standards Institute Standard S1.1-1960, or the successor thereto.

Decibels on the A-weighted network or dBA means decibels measured on the A-weighted network of a sound level meter as specified in the American National Standards Institute Standard S14-1971, or the successor thereto.

Industrial area means property used for industrial purposes, which are considered to be any purposes allowed in the township's industrial district. The township's industrial district is defined in, designated by and regulated by the township zoning ordinance, as amended from time to time.

Person means any owner, lessee or occupant of property, including any individual, corporation, business or other entity; person also means any individual in any public place or any private place open to the general public.

Property line means the imaginary line which represents the legal limits of property, including an apartment, condominium, room, or other dwelling unit, that is owned, leased, or otherwise occupied by a person. In cases involving sound from an activity on a public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

Public right-of-way means the entire easement width of any publicly dedicated street, avenue, boulevard, highway, sidewalk, alley or similar place.

Residential area means property used for temporary or permanent dwelling purposes.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and weighted networks used to measure sound pressure levels. This instrument shall comply with the standards for Type 1 and Type 2 sound level meters as specified in the American National Institute Standard ANSI S1.4-1971, or the successor thereto.

Sound pressure level means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. This sound pressure level is expressed in decibels.

Sec. 3. - Interference with sound monitoring equipment.

It shall be unlawful for any person to remove or render inaccurate or inoperative any sound level meter or any similar monitoring instrument or device positioned for the purpose of enforcing the provisions of this article.

Sec. 4. - General prohibition.

It shall be unlawful for any person to create, assist in creating, permit, or permit the continuation of any loud noise which disturbs the peace of others within the limits of the township.

Sec. 5. - Specific prohibitions.

(a) *Unlawful noise nuisances.* The following activities are prohibited if they produce audible noise beyond the property line of the property on which they are conducted:

- (1) *Insect traps.* Between 10:00 p.m. and 7:00 a.m., the operation of any device for killing, trapping, attracting, or repelling insects or other pests;

- (2) *Bells, etc.* Between 10:00 p.m. and 7:00 a.m., the sounding of any bell, chime, siren, whistle or similar device, except to alert persons to the existence of an emergency, an imminent danger, or an attempted crime;
 - (3) *Stereos, etc.* Between 10:00 p.m. and 7:00 a.m., the operation or playing of any radio, stereo, television, phonograph, cassette player, compact disc player, drum or musical instrument, or any other device or appliance producing a similar sound;
 - (4) *Excavation, construction, etc.* Between 8:00 p.m. and 7:00 a.m., construction, repair, remodeling, demolition, drilling or excavation work, except in case of an emergency;
 - (5) *Loudspeakers, etc.* Between 10:00 p.m. and 7:00 a.m., the operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify noise; and
 - (6) *Musical devices.* The use of any drums, loudspeakers, musical devices or other instruments or devices for the purpose of attracting attention by the creation of noise to any performance, show, sale or display of merchandise.
- (b) *Applicability.* The prohibitions of this section apply even if the sound pressure level produced by a prohibited activity does not exceed the applicable sound pressure level specified in section 14-24.

Sec. 6. - Maximum permissible sound levels.

No person shall conduct or permit any activity that produces a dBA beyond the person's property line exceeding the sound pressure levels specified in the table in this section. Where property is included within both residential and commercial areas, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes. Limits in the following table are expressed in dBA:

Area of Property Receiving the Sound	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential area	60	53
Commercial area	65	58
Industrial area	70	70

Sec. 7. - General exemptions.

The following activities are exempted from the sound pressure level limitations of section 6:

- (1) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster; to restore public utilities; or to protect persons or property from imminent danger;
- (2) Sounds made to alert persons to the existence of an emergency, an imminent danger, or an attempted crime;
- (3) Parades, concerts, festivals, fairs or similar activities, if approved by the township board, subject to any sound pressure limits specified in the township board's approval;
- (4) Athletic, musical, or cultural activities or events, including practices and rehearsals, conducted by or under the auspices of public or private schools; and
- (5) Construction, repair, remodeling, demolition, drilling or excavation work.

Sec. 8. - Temporary exemptions.

- (a) The township supervisor is authorized to grant a temporary exemption from the maximum permissible sound pressure levels established by this article, if such temporary exemption would be in the public interest, and if there is no feasible and prudent alternative to the activity or the method of conducting the activity for which the temporary exemption is sought.
- (b) The following factors shall be considered by the township supervisor in determining whether to grant a temporary exemption:
 - (1) The hardship to the applicant, the community and other persons if the exemption is not granted, balanced against the adverse impact on the comfort, repose, health, peace or safety of persons if the exemption is granted;

- (2) The nearness of any residence or any other land use which would be adversely affected by sound in excess of the sound pressure levels prescribed by this article;
 - (3) The sound pressure level to be generated by the activity for which the temporary exemption is sought;
 - (4) Whether the type of sound to be produced by the activity is usual or unusual for the location or area for which the exemption is requested;
 - (5) The density of population in the area where the activity is to take place; and
 - (6) The time of day or night during which the activity will take place.
- (c) A temporary exemption must be in writing and signed by the township supervisor or the designee thereof; the writing must set forth the name of the person granted the exemption, the location of the property for which it is authorized, the dates and times for which it is effective and the sound pressure levels authorized.
- (d) A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days.

Sec. 9. - Variances.

Persons wishing to continue activities which commenced prior to the effective date from which this article is derived and which create noise in excess of what is allowed by this article may seek a variance from the township board. Such a variance may be granted if the township board finds that strict application of this article would cause an unreasonable hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

Sec. 10. - Liability of owner, lessee or occupant.

If the person responsible for an activity which violates this article cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation.

Sec. 11. - Penalty.

In addition to any other charges, fines or penalties for which a person may be liable under applicable law or local ordinance, any violation of this article shall constitute a municipal civil infraction, subject to enforcement procedures as set forth in article III of chapter 22, pertaining to municipal civil infractions.