

TOWNSHIP OF LAGRANGE  
COUNTY OF CASS, STATE OF MICHIGAN  
LAGRANGE TOWNSHIP ORDINANCE NO.

ANTI-NOISE ORDINANCE

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

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

LAGRANGE TOWNSHIP  
CASS COUNTY, MICHIGAN  
ORDAINS:

SECTION 1  
TITLE

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

SECTION 2  
DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this ordinance shall be in conformance with applicable publications of the American Standards Institute (ANSI) or its successor body:

- A. Ambient noise means all encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.
- B. Decibel (dB) 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  $2 \times 10^{-5}$  N/m<sup>2</sup> (Newtons per square meter).

- C. “dB(A)” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network.
- D. Noise disturbance means any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or annoys or disturbs the peace or quiet of any residential area, or endangers or injures real or personal property.
- E. Residential areas means an area designated for any residential use under the Township zoning ordinance.
- F. Sound amplifying equipment means any machine or device for the amplification of human voice, music or any other sound. Sound amplifying equipment shall not include standard automobile radios when use or heard only by the occupants of the vehicle in which the automobile radio is installed. The term “sound amplifying equipment” shall not include warning devices or authorized emergency vehicle horns or other devices on any vehicle used only for traffic safety purposes.

### SECTION 3 ANTI-NOISE REGULATIONS

- A. General Regulation: No person, firm, or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of LaGrange 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) Sounding horns: The sounding of any horn or signal device on any automobile, motorcycle or other vehicle in such a manner as to create a noise disturbance, unless the sounding of any horn or signal device was necessary to operate the vehicle safely or as required by the Michigan Vehicle Code.
  - (2) Radios, televisions, musical instruments and other similar devices: The playing of any radio, phonograph, boom box, CD player or any musical instrument in such a manner or with such volume as to create a noise disturbance.

- (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of any persons in the vicinity and/or create a noise disturbance.
- (4) Noisy animals or birds: The keeping of any animal, bird or fowl which emanates frequent or extended noise which creates a noise disturbance for any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in a quiet area where such barking can be clearly heard from nearby residential areas.
- (5) Vehicle or motorboat repair or testing: The operation of any automobile, motorcycle, or other vehicle so out of repair, or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other unreasonable noise which is clearly audible from nearby properties and/or which causes a noise disturbance.
- (6) Engine exhaust and mufflers: 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 resulting therefrom. 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 manufactures shall be in violation of this section.
- (8) Construction projects:
  - (a) Operating or permitting the operation of any tools or equipment used in construction activities between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance in a residential area.
  - (b) Between the hours of 7:00 a.m. and 10:00 p.m., construction activities are subject to a maximum level of 88 dB(A), except that on legal holidays and weekends, the hours shall be between 9:00 a.m. and 9:00 p.m. At all other times, construction activities are subject to the maximum permissible noise level for the district in which construction is occurring.
  - (c) Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

- (d) This subsection does not apply to the use of domestic power tools, as set forth in subsection (9) of this section.
- (9) Domestic power tools: Operating or permitting the operation of any mechanically powered equipment, including, but not limited to, powered hand tools, chainsaws, pavement breakers, log trippers, riding tractors, lawn or garden equipment, lawn mowers and snow blower between the hours of 10:00 pm and 7:00 a.m. the following day, in such a manner as to create a noise disturbance, except on legal holidays and weekends, the hours shall be between 9:00 p.m. and 8:00 a.m.
- (10) Creating noise near church, school, court or hospital: The emission or creation of any excessive noise in the vicinity of any school, institution of learning, church, court or hospital, while the school, institution of learning, church, court or hospital is in use, which noise unreasonably interferes with the operation of such institution by creating a noise disturbance or which unduly annoys patients in the hospital.
- (11) Loading and unloading: Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects in such a manner as to create a noise disturbance.
- (12) Drum, loudspeaker and similar devices: Operating or permitting the operation of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to a performance, show, sale, display or other commercial activity, in such a manner as to create a noise disturbance.
- (13) Racetrack or proving ground: The operation of any racetrack, proving ground, testing area, or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11 p.m. on any night.
- (14) Miscellaneous noises: Creating, continuing or permitting the creation or continuation of any loud, unnecessary and unusual noise which causes a noise disturbance. The standards which shall be considered in determining whether a violation of this subsection exists shall include, but are not limited to the following:

- (a) The volume of the noise.
  - (b) The intensity of the noise.
  - (c) Whether the nature of the noise is usual or unusual.
  - (d) Whether the nature of the noise is natural or unnatural.
  - (e) The volume and intensity of the ambient noise, if any.
  - (f) The proximity of the noise to residential sleeping facilities.
  - (g) The nature and zoning of the area in which the noise emanates.
  - (h) The density and habitation of the area in which the noise emanates.
  - (i) The time of day or night the noise occurs.
  - (k) Whether the noise is recurrent, intermittent or constant.
  - (l) Whether the noise is produced by a commercial or non commercial activity.
- C. 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, highways or other property by or on the behalf of the State of Michigan, LaGrange Township or Cass County, between 10:00 p.m. 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 warning purposes as authorized by law.
  - (4) Any other acts performed by the Township, County or State pursuant to law.

SECTION 4  
ANTI-NOISE REGULATIONS BASED ON dB(A) CRITERIA

In order to regulate and prove violations under Section 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 the boundaries of the property, which is in excess of the dB(A) established for the following districts and times shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area, creates a noise disturbance and is in violation of this ordinance.

(1) Residential Zoning Districts: Residential zoning districts in LaGrange Township include the R-1, R-2 and R-3 zoning districts, as well as any area within 500 feet of a hospital and any area within an agricultural zoning district (AP or AG) that is within 500 feet of any dwelling unit under separate ownership.

Limitations: Between 7 am and 10 p.m., 55 dB(A)  
Between 10 p.m. and 7 am, 50 dB(A)

(2) Agricultural Zoning Districts: Agricultural Zoning Districts in LaGrange Township include the AP and AG zoning districts, where the property is at least 500 feet from any dwelling unit under separate ownership.

Limitations: Between 7 a.m and 10 p.m – 65dB(A)  
Between 10 p.m. and 7 a.m. – 55 dB(A)

(3) Commercial Zoning District: The Commercial Zoning District in LaGrange Township is the C zoning district.

Limitations: Between 7 a.m. and 10 p.m. – 60 dB(A)  
Between 10 p.m and 7 a.m. – 55 dB(A)

(4) Industrial Zoning District: The Industrial Zoning District in LaGrange Township is the I zoning district.

Limitations: Between 7 a.m and 10 p.m. – 65 dB(A)  
Between 10 p.m. and 7 a.m. – 60dB(A)

(5) Harmonic or pure tones, or 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 subsections (1) through (4) above.

(6) Violations shall exist when the source(s) of noise are identifiable and the levels emanating from the source(s) exceed the limitations listed

above.

- (7) Where a property is located 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 from shall control.
  - (8) The following exceptions to this Section shall apply:
    - (a) 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.
    - (b) All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
    - (c) Noises emanating from the discharge of firearms are excluded, provided that such noise does not exceed the limitations specified in subsections A (1) through (4) herein by more than 20 dB(A).
    - (d) Any commercial, agricultural, commercial 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 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:
      - (1) the noise level emitted by such use at the time it became a legal non conforming use as a result of the amendment of the Township zoning ordinance, if available.
      - (2) the limitations contained herein based upon such a use being located in the highest zoning district (either commercial or agricultural) where such a use is specifically allowed as a permitted use.
- B. 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 from a noise source located within a public right of way. If measurement at 50 feet is not feasible, measurement may be made at 25 feet, and if this is done, 6 dB(A) shall be added to the limits provided 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/or creates a noise disturbance and is, therefore, in violation of this ordinance.

(1) Trucks and buses:

Limitations: Weight over 10,000 lbs. gross – maximum 82 dB(A)  
Weight under 10,000 lbs. gross – maximum 74 dB(A)

(2) Passenger cars:

Limitations: Any weight – maximum 74 dB(A)

(3) Motorcycles, snowmobiles, mini-bikes, ATVs and like vehicles:

Limitations: Any weight – maximum 82 dB(A)

(4) All other self propelled motor vehicles:

Limitations: Any weight – maximum 74 dB(A)

C. Measurement of noise: All measurements of dB(A), according to this section, shall be made using a sound level meter of standard design and operated on the “A” weight scale, with “slow” meter response.

#### SECTION 5 VALIDITY

The several provisions of this ordinance are declared to be separate and the holding of any Court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

#### SECTION 6 VIOLATIONS AND ENFORCEMENT

A. Any person or entity 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, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

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.



- B. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and 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.
- 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
---	1st offense	\$ 150.00	\$500.00
---	2nd offense	\$ 325.00	\$500.00
---	3rd or subsequent offense	\$ 500.00	\$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. This Ordinance shall be enforced by the LaGrange Township Ordinance Enforcement Officer(s), by any Cass County Sheriff's deputy and by such other person or persons as the Township Board may designate.

SECTION 7  
CONFLICTING ORDINANCES

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

SECTION 8  
EFFECTIVE DATE

This ordinance shall become effective 30 days after publication after adoption.

Amy Juroff,  
LaGrange Township Clerk  
24745 Cass Street  
Cassopolis, MI 49031  
(269) 782-5939