

Ordinance No. 2025-01 Noise Ordinance

An ordinance adopted pursuant to *MCL 41.181* to secure the public health, safety and general welfare of the residents and property owners of **Arlington Township, Van Buren County, Michigan**, by the regulation of noise within said Township; to prescribe the penalties for the violation thereof.

THE **TOWNSHIP OF ARLINGTON, VAN BUREN COUNTY**, MICHIGAN, ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the **Arlington Township Anti-Noise Ordinance**.

Section 2: Definitions

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

A-WEIGHTING. Prescribed frequency response provided in a sound level meter defined by A.N.S.I. Standard SI.4-1983.

AMBIENT NOISE. The all-encompassing noise associated with given environment, being usually a composite of sounds from many sources near and far.

A.N.S.I. American National Standards Institute or its successor bodies.

BOUNDARY. The line of demarcation which separates the real property owned by one person from that owned by another person

CONSTRUCTION ACTIVITIES. The on-site erection; fabrication; installation; alteration; demolition or removal of any structure, facility, highway, sewer, public utility; or all related activities including, but not restricted to, clearing of land, earth moving, blasting, landscaping and tree trimming.

CONTINUOUS NOISE. Any noise from a source which is constant, and unvarying in level, or at least in a range of no more than three dB over the course of at least 15 minutes.

FREQUENCY. The repetitive rate at which sound or vibration is occurring; subjectively, the pitch of an audible tone.

DECIBEL(db). 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 $2 \times 10^{-5} \text{N/m}^2$ (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.

dB(A) 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.

EMERGENCY WARNING DEVICE. Any gong, siren, whistle, horn or similar device that is designed to be used to warn of the exposure of any human being or property to danger.

EMERGENCY WORK. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons from danger to health or safety.

FAST RESPONSE. The dynamic characteristics of a sound level meter as defined in A.N.S.I. Standard SI.4-1983.

FREQUENCY RESPONSE. The output of a system resulting from a stimulus of a periodic function with varying frequencies.

IMPULSIVE NOISE. A noise characterized by brief excursions of less than one half second, of which the A-weighted sound pressure level exceeds the ambient noise level by more than five dB(A), when measured by a sound level meter on fast response.

MIXED LOT. Property on which two or more combinations of residential, commercial or industrial use occurs.

NOISE. The intensity, duration, frequency and character of vibration or sounds from a source or number of sources, including, but not limited to, sounds and vibrations of subaudible frequencies.

NOISE DISTURBANCE. 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.

NOISE LEVEL. For the purposes of this document, has the same meaning as SOUND LEVEL; the two terms may be used interchangeably herein.

NOISE SOURCE. Any place, facility, product, machine, vehicle, equipment or appliance, or activity, stationary or mobile, from or by reason of which there is emitted noise.

PURE TONE. A single adjacent third octave band levels by:

- (a) Five decibels or more for frequency sound which, when measured on a third octave or narrowband sound analyzer, is greater than the arithmetic average of two bands with center frequencies of 500 and above;
- (b) Eight decibels or more for frequency bands center frequencies of 160 to 400 Hz; and
- (c) Ten decibels or more for frequency bands with center frequencies of 25 to 125 Hz.

SOUND. An audible oscillation of pressure in air.

SOUND ANALYZER. A device for measuring sound or vibration as a function of frequency. Octave and third octave sound analyzers shall conform to Class II or better as specified in A.N.S.I. Standard SI.11-1983.

SOUND LEVEL. A frequency weighted sound pressure level obtained by the use of metering characteristics and the weightings A, B or C, as specified in A.N.S.I. Standard SI.4-1983.

SOUND LEVEL METER. Any instrument, including a microphone amplifier, an output meter and frequency weighting for the measurement of sound levels in a manner which complies with or exceeds Type 1 (for time varying and impulsive noise) and Type 2 (for measurement of steady, continuous noises only) standards established in the A.N.S.I. Standard SI.4-1983.

SOUND PRESSURE LEVEL (SPL). Twenty times the logarithm to the base ten of the ratio of the pressure of sound to the reference pressure. For the purposes of this standard, the reference pressure shall be 20 Pa.

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 the 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. 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 unreasonably upset or disturb the quiet, comfort or repose of other persons.
2. Yelling, shouting, hooting or singing on the public streets between the hours of 10 p.m. and 7 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 vicinity.
3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
4. 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.
5. 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, 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.
6. 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 or Marine Rules and Regulations.
7. 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.
8. 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 10 p.m. 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.
9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
10. 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 vicinity.
11. 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 easily heard from nearby adjoining residential property.

12. 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.

13. The operation of any race track, 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 where the noise emanating therefrom 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 p.m. on any evening.

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 or highways or other property by or on behalf of the State of Michigan, Arlington Township, or the County of Van Buren, between 10 p.m. and 7 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. Agricultural operations such as planting, harvesting and irrigation, providing the equipment being used is operating normally; and ordinary and customary livestock noises.
5. Equipment used in commercial business operations conducted during regular business hours, providing the equipment being used is operating normally.
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. 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.
8. Essential public services, including rubbish collection, using customary vehicles/equipment operated and maintained in a reasonable manner

Section 4: Anti-Noise Regulations Based Upon dB(A) Criteria

In order to regulate and prove violations occurring 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 and is therefore in violation of this ordinance:

Zoning District	Limitations 7 a.m.–10 p.m.	Limitations 10 p.m.–7 a.m.
Residential	55db(A)	50d(A)
Any area within 500 feet of a hospital regardless of zoning district		

Zoning District	Limitations 7 a.m.–10 p.m.	Limitations 10 p.m.–7 a.m.
Agricultural districts located within 500 feet of any dwelling under separate ownership		
Commercial Agricultural where at least 500 feet from any dwelling under separate ownership	65db(A)	55db(A)
Industrial	80db(A)	75db(A)

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 above.

In all instances in which the lot from which noise emanates does not directly adjoin a residential, commercial or industrial lot, the performance standards governing noise shall apply at the nearest residential, commercial or industrial lot boundary.

Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the limitations listed above. 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.

Where property is partly 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 shall control.

The following exceptions shall apply to these regulations under this Section 4, Subsection A:

1. 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.
2. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
3. Noises occurring between 7 a.m. and 10 p.m. caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in Section 4A by more than 20 dB(A).
4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
5. Any activity or function sanctioned or conducted by a governmental unit, public school, or a private school properly licensed by the State of Michigan
6. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming 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:
 - 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 highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible 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 (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 1/2 meters) 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 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 - Any weight, dB(A) Maximum Limitation: 82 dB(A)

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

C. 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 5: Validity

The several provisions of this ordinance are declared to be separate; 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.

Section 6: Enforcement

This Ordinance shall be enforced by the Deputy Sheriff under contract with Arlington Township or by such other person or persons as the Township Board may designate from time to time.

Section 7: Penalties

Any person, firm or corporation found violating provisions of this ordinance, shall upon conviction, be punished by a fine of not to exceed \$500 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 is to constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

Section 8: Effective Date

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

Ordinance No. 2025-01 supersedes conflicting provisions, and supplements non-conflicting provisions, of the Arlington Township Noise Control Ordinance No. 18 of June 15, 1994.

Adopted by the Arlington Township Board of Directors on March 19, 2025.

Effective: 30 days after publication as required by law.

Yes: Peterson, Wilson, Sanborn, Klein and Swanson.

Susan Wilson, Clerk